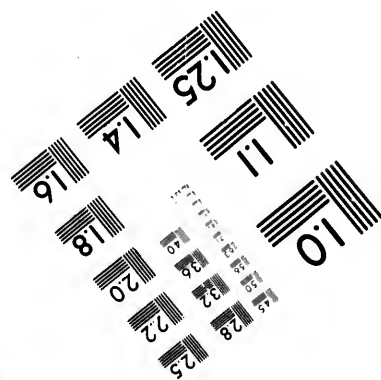
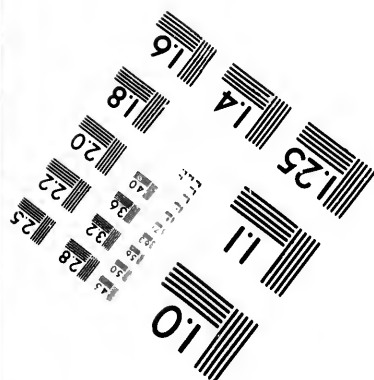
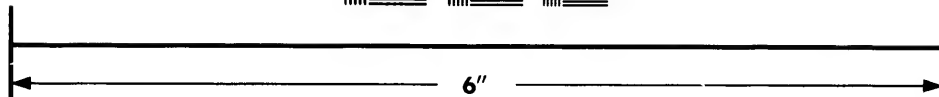
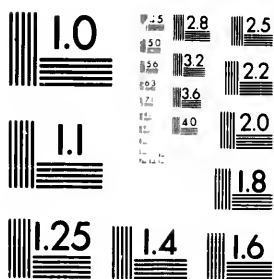


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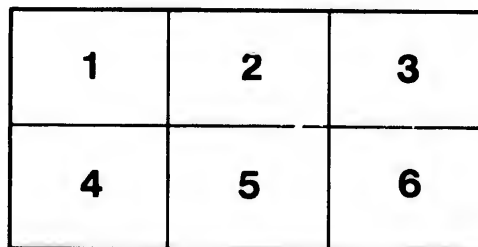
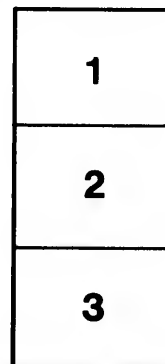
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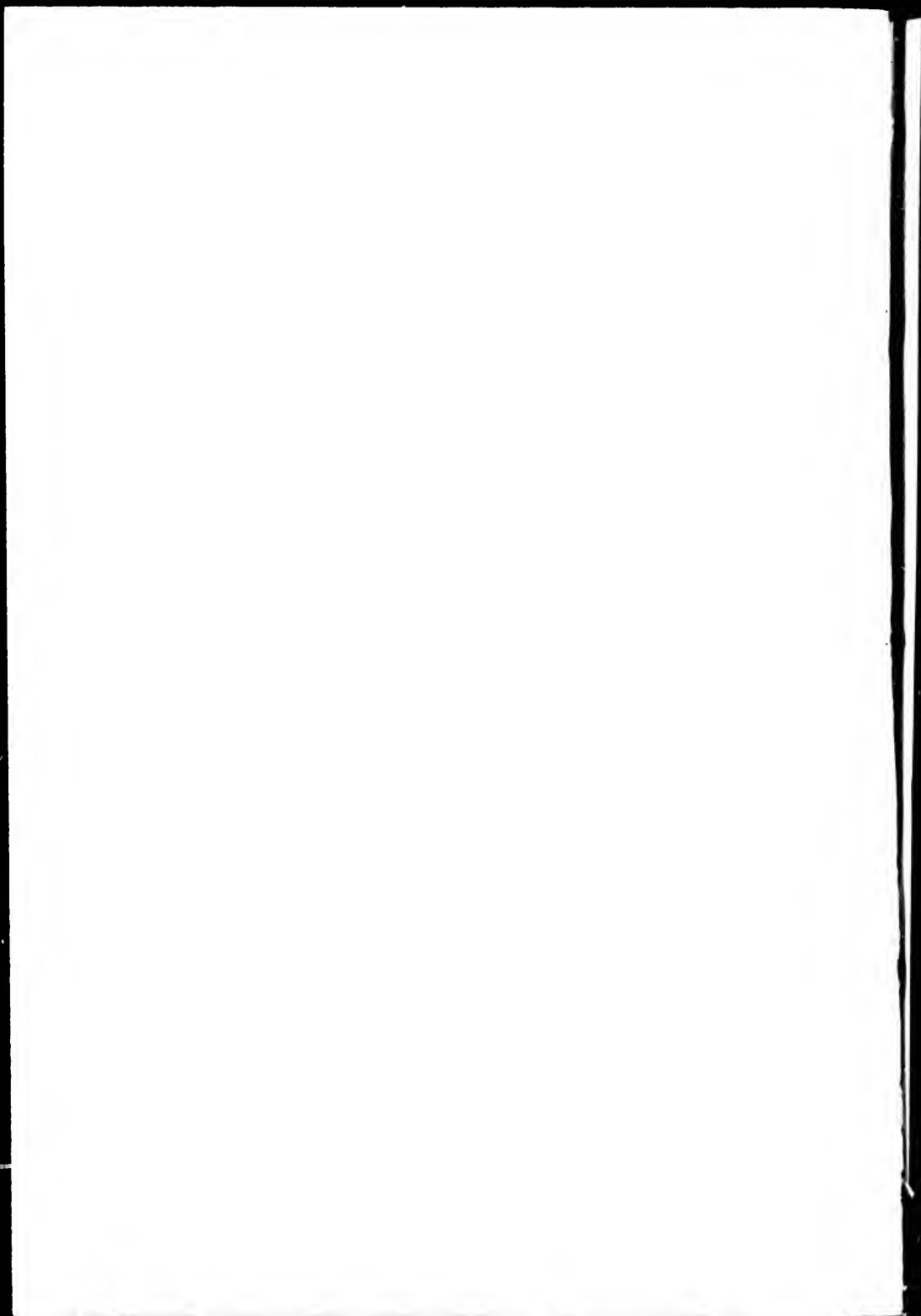
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**THE**  
**BLACK RIVER ROAD**  
**TRAGEDY.**

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**FULL REPORTS OF THE**  
**CORONER'S INQUEST,**

**AND**

**THE TRIAL**

**OF**

**JOHN A. MUNROE,**

**FOR THE MURDER OF**

**SARAH MARGARET VAIL**

**AND**

**ELLA MAY MUNROE.**

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**PRINTED BY GEO. W. DAY, 46 CHARLOTTE STREET.**  
**1869.**

PLATEAU ROAD

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Full Reports of the

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## THE BLACK RIVER ROAD TRAGEDY.

For eleven or twelve years, or since the Mispeck Tragedy, probably no crime so foul a nature as that which is now just brought to light, has been committed in New Brunswick. We say crime, for there can be no doubt that a dreadful murder was committed, and that upon a weak and defenceless woman, still weaker and innocent babe. The story, evolved from rumors which for a week had been more or less about in the community, is this: Some colored girls and young men said to have been picking berries upon what is known as the Blueberry road on the road leading to Willow Grove from Lake Lombard, on Tuesday, September 7th—the day His Royal Highness Prince Arthur arrived in St. John—one of the girls came upon what appeared to be the remains of some animal or human being, she did not know which. Curious to know what it really was she called to her companions, who, upon reaching the spot, discovered a human skull and a few bones, together with sundry portions of clothing which indicated the remains to be that of a woman. They were covered with brush, but not sufficiently to hide the dread sight. One of the young men picked up a stick, and poking it down into the moss brought to the surface a little sock with a little sock in it. Alarm and fear seem to have struck to the hearts of these colored people, for like frightened children they fled from the spot as they wended their way homeward—the while not forgetful of their business on the plains, for they picked berries as they went—they argued among themselves to say nothing of the discovery they had made. What motive could prompt them to such an agreement it is hard to say. It is barely possible that they, in their utter ignorance of the demands of humanity and what was required at their hands, may have thought that it was none of their business to let the fact be known that they had found human remains in a spot where they had no right to be. Or they may have supposed that during the winter some wayside traveller had lost her way and died in the snow, where she had lain down to rest, and as there was little remaining to show who and what she was it was hardly worth while to make a noise about it. These are, of course, conjectures, but one thing is certain, the ten or dozen persons who first saw the remains agreed to let no one know what they had seen. It was, however, too near and strange a sight to them to permit of that secrecy they had pledged to each other. One girl told another, she told her aunt, this woman informed a neighbor in the neighborhood, and he with others called upon the trembling and fearful berry-pickers to lead them to the spot.

The spot to which the party were brought was near the Black River Road, a quarter of a mile beyond the Forks and half a mile from Bunker's. The road runs across a mossy barren covered with stunted bushes and brushwood, with a patch of thicker woods here and there. Passing the first patch of tangled wood, directly opposite the spot where a dwarf juniper grows by the side of the road, on the right hand, is a slight opening in the bushes. This has now been worn into a track, and passing through it one comes upon the southern side of the bit of woods which is not more than a hundred feet through, and there at its south east corner is the spot where the remains were found, as seen by the first party of berry-pickers.

The evidences of a woman and child having been deposited there were clearly visible, and information was at once sent to St. John of the fact, but Coroner

Earle was not notified till Wednesday, when he at once went to the locality with one of the City Marshals, and some of the neighbours who had visited the spot.

On arrival the first thing seen was a woman's skull, with a luxuriant mass of beautiful brown hair, which had evidently been carefully tended, put up in a braided bunch, firmly fastened with common black hair pins, and a long heavy curl or switch dependant from one side. A child's little boot, with the sock in it, lay by it. From the head toward the South were some large sticks and a number of bits of brush, which, upon search, they found had been cut from the trees close by, for a close examination showed the cuts on the brush to match exactly with the stubs or branches from which they had been taken. This removed, a covering of moss was seen, which most clearly had been removed from a spot close by, for it was still bare, while all around it was covered with the natural growth to the depth of six or eight inches. Poking among this moss, which appeared to have been tramped down, for it was very much matted, there appeared the large bone of a thigh, and pieces of other bones, together with remnants of a woman's alpaca dress, straw hat, heavy tweed cloth sacque, Berlin santonag, embroidered (open worked) skirt (or drawers), blue gray merino stocking, black silk ribbon sash (entire), and sundry other articles difficult to describe.

At the distance of a few yards were remnants of a child's white dress, with the white slip, or underskirt inside it, and both pinned at the back, a boot and sock in it, red damask dress, grey cloth sacque or cape (entire) still fastened at the neck, and a roller bandage of cotton having sewed into it a round piece of lead pierced with needle holes, to not as a truss.

From the condition in which the remains were found it was evident that the bodies had been eaten by dogs or foxes, as no portion of the flesh was observable, and the clothing of both woman and child had been torn up by the animals in their endeavors to get at their prey. The bones of the hands and feet were not found, nor were the vertebrae. Of the child nothing was discovered but the skull and portions of its clothing, and the shoes or boots of the woman were also missing.

In a direct line from the spot where the bodies had been deposited Messrs. March and Bunker found on the bank by the side of the road what appeared to be the imprint of a man's foot made in the clay when softened by rain, or the water which accumulates in a deep hole formed by the removal of gravel to repair the road. This hole, in Spring or Fall, must have three or four feet of water in it. The bushes gave no indication, however, of the passage of persons through them. The bodies had been deposited in a small hollow lying north and south, covered with moss and brushwood, and kept in place by heavier sticks. More than a dozen of the trees showed where the brush came from. The moss had not been removed, for on poking it up with a stick they turned up a red Berlin tassels, a piece of child's red dress, a long piece of black braid, some portions of grey tweed, probably of a thick skirt, part of some white cotton garment, a white bone button, &c. &c. Forty or fifty paces directly north of the spot they came upon the child's skull lying in an open space close by a small bush. A portion of the right side piece of the skull had been broken off and lay close by, and the thick centre bone of the forehead and base of the nose were a foot or two from it. On picking the skull up, it separated at the joints, but was in other respects firm. Upon the side of the skull is an indentation over an inch in length, as though made with a sharp instrument upon the bone when soft, and a number of surface punctures look as though made with the point of a jack knife. These marks, from their character, could hardly have been made by the teeth of an animal. At short distance east of this they also found the top of a woman's merino stocking.

At the distance of a few yards were remnants of a child's white dress, with the white slip, or underskirt inside it, and both pinned at the back, a boot and sock in it, red damask dress, grey cloth sacque or cape (entire) still fastened at the neck, and a roller bandage of cotton having sewed into it a round piece of lead pierced with needle holes, to not as a truss.

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# THE INQUEST.

THURSDAY, Sept. 16, 1886.

The inquest was opened in the Circuit Court Room, before Dr. EARLE, one of the Coroners of the County of St. John. A number of medical men, members of the press and others were present. The following gentlemen composed the Jury: viz. JAMES CRAWFORD, GEORGE SCRIBNER, JAMES GREEN, LEWIS W. DURANT, WILLIAM CRABBE, WM. K. BUSSELL, JOHN DALY.

The Court being opened, the following testimony was taken:

MARTHA THOMPSON (Colored), sworn: I was out berrying on the Plains, near the Black River Road, on the day the Prince was in St. John. My two sisters (Caroline and Margaret) and Prince Fowler were with me. I was a little distance ahead of my sisters when I found a head or skull; I called my sisters, and they, with Prince Fowler, came over. We then called some others who were some distance from us; they also came, and looked at it. George Diggs, turned it over with a stick, and I saw portions of hands. I also saw some pieces of clothing, and a hoop skirt. The clothes were all up in a bunch when I saw them. Prince Fowler said it was the skull of a person. I then came away, and the rest also came away. We picked berries after we left until it was time to go home. This was about four o'clock. When we got home we said nothing about it. I knew no better. We all went home together, and none of the others told anything that I know of. Henry Brand, Isaac Gabels, and George Diggs, told us to say nothing about it; they have no reason for this. I never heard or spoke of it again till last

night (Wednesday). The skull was partly covered up with brush and moss; the brush shown is like it. I saw nothing like a child's dress.

CAROLINE THOMPSON (Colored)

sworn: About a week ago I was picking berries near Black River Road, about a mile from Bunker's. My two sisters and Prince Fowler were with me. My sister Martha was a little ahead; she called my oldest sister, Margaret, and asked what that was which she had found; she said she did not know, and then called on Prince Fowler; he said he thought it was a person's head; I came up and looked at it; there was a head and two bones, some clothing of a woman—in several little bunches—a child's shoe and sock, but no other child's clothing; they were covered with moss and bark such as that shown. George Diggs removed some of the moss and brush. There were some clothes lying under, and there was a little spruce tree sort of thrown across, and I took a stick and poked it away. I knew that they must be the bones of a human being; my sister told me to come away; we all went away together, and continued picking berries until it was time to go home. It was about three o'clock when we found them. I did not hear of a locket being found until to day. When I went home I told my mother and father about it, but told nobody else; it was agreed among us all not to say anything about it; by we I mean George Diggs, Henry Brand, Isaac Gabels, Prince Fowler, Mary Thompson, Mary Corbyn, Susan Corbyn. They gave no reason for not wishing to tell anybody. My father and mother did not tell anybody, but Jennie Lane (who was also with us) told Mary Lane about it last Sunday. Jennie Lane did not agree not to tell; I never saw any one about there wearing such clothes.



SUSAN LANE (Colored),

sworn: I live at Loch Lomond. A week ago last Tuesday I was on the Plains, near Black River Road, picking berries. In company with Fan Thompson, Martha Ann Thompson, Caroline Thompson, Margaret Jane Thompson, George Diggs, Isaiah Gabels, Prince Fowler, Mary Thompson and Henry Brandy. While picking berries, Martha Ann Thompson went a short distance from the rest of us, and in a little while I heard her call us over. Mary Thompson, Henry Brandy, myself and sister went to her. I saw a woman's head and some bones lying on the ground, with some brush on them. I thought it was a woman's head because the clothes were there. Henry Brandy took the brush off and we all looked at it for a little while. I also saw a child's boot with a stocking in it. We all got frightened and went away from it; we all thought it not worth while to say anything about it. George Diggs said for us not to bother with it. I told my father the same night (Tuesday); he told a man named Kennedy the same night; Mrs. Kennedy told my aunt, Mary Corbyn, and she told Mr. Douglas on Sunday. Mr. Douglas then came over to Mr. Thompson's to see about it. I went with him to the place. I saw no brooch or locket, nor heard of any.

MARGARET JANE THOMPSON (Colored), sworn: About a week ago I was out picking berries on the Plains, near Black River Road, about a quarter of a mile above Bunker's, in company with my two sisters, Prince Fowler, George Diggs, Mary Thompson, Jemima Lane and others. My sister called me to tell her what it was she had found; on going to her she asked me what kind of thing that was. I did not know what it was, until Henry Brandy said it was a dead body—a human, he thought. I saw some bones, the head, and some clothes which looked like a woman's. I did not look close, as there were some sticks over it; it seemed down in the moss. I and all the rest went home about four o'clock. I told nobody about it, because I did not think it worth while. Henry Brandy and Geo. Diggs said we had better not say any thing about it and let the matter drop; I heard nothing more about it until Sunday.

WILLIAM DOUGLAS,

sworn: Last Sunday evening, 12th September, I met Mary Corbyn and her husband. I said 'Well, Mary, what's the news this morning?' She replied, 'Did you hear about the person that's laying dead on the Plains?' I asked her who told her. She said Jemima Lane. I then wanted her husband to come and see if she would show me where it was. He thought it too late, and we had better wait till Monday morning. I then went to Mr. Cuthbert's and told him, and he went with me to the house where the parties were who had found it; nearly all of them were in the house. I asked George Diggs if he would come on Monday morning and show me where the dead woman lay. It was some time before he made an answer; at length he said he knew nothing at all about it. Henry Brandy jumped up and asked me who told me; I said Mary Corbyn. He told me to go to her, as she must know all about it and could tell me. Henry Brandy asked who told Mary Corbyn; I said Jemima Lane. They all denied knowing anything about it, and George Diggs told them to hush up and say no more about it. Mr. Cuthbert and I then went home. On Monday morning, I with several others went down to Henry Brandy's house; Brandy was standing on the side of the road; some of the party asked him to come along; he refused, and someone said he ought to come, as he had seen the corpse and knew where it lay. He denied having seen any woman there. I asked him if he had not seen some of the remains. He said he had seen nothing but a parcel of old bones. He then went with us to the place, and we found the remains. We found a skull, some bones, ribs, portions of a woman's clothing, and a child's boot and stocking, a hood and some old white clothes. The body had been covered over with moss and brush; the brush appeared to have been cut off from the trees near by for the purpose—we found the places where it had been cut. By the appearance of the boot; I should think the child was a year and a half old. The clothes were torn and rotten. I should think the body had been there four or five months. The place where the remains were found was about forty or fifty yards from the road—about

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**GEORGE DUGGS (Colored),** sworn: About a week ago I was picking berries on Blueberry Plains, near Willow Grove, Black River Road. Martha Ann Thompson found a skull and some bones of a person. Some of the girls called out and I went over and looked at them. I took a stick and turned the skull over, and dug up from the moss a child's shoe and stocking. I saw a Berlin stocking and a hoop skirt. I thought from the appearance of the clothes that they were a woman's, and from the shoe and stocking that they were a child's. On going off the Plains myself and the others (naming them) came to the conclusion we would say nothing about it. I was not the first to say to the Thompson girls and the others not to mention it. Mr. Douglas did not ask me on Monday morning to go and show him the body; he asked if we saw a dead body of a woman. I did not say whether I did or not; none of those present said whether they had or had not. No one came for me to go and show where it was; if they had I should have gone. I never told them to shut up and not say anything about it.

**SAMUEL WILLIAM HENRY BRANDY (Col'd),** sworn: I was on the Plains last Tuesday week, with others, picking berries. [Named same parties before mentioned.] Margaret Jane Thompson called me to come to them, for they had found a woman. Isalah Gabels and I started to see what was the matter. When we got where the others were we found the bones of the head of a woman, and some other bones, besides some woman's clothes, and a hoop skirt. We saw some hair, but did not move it. George Diggs poked up from the moss a little boot with a child's stocking in it. It was covered with a spruce bush. I saw nothing else. We then went away and picked berries some time and went home. We all said together that there were so few bones that we had best not tell of it. The girls asked what we were going to do, and I asked what could we do; and said we had better not say anything about it. I saw Mr. Douglas on Sunday night at Mr. Thompson's house. He asked if what he heard about a woman being found was

true. I did not say anything. I did not ask him who told him, nor move from my seat—nor did I say he had better go to Mary Corbys. I refused at first to go with the party on Monday morning. I did not deny having seen anything. Mr. Douglas asked me if I had seen a woman and child, and I said no; but I saw some bones. I was making a pair of shoes at the time and did not want to go; I thought there was enough without me. They pressed me to go, and at length I went. I did not hear of any watch or earrings having been found, until I came into town. The only white woman I ever saw at Eliza Taylor's was Mary Barbage, and she came to town; I saw her in town about two months ago. I know nothing about Henry Taylor and his mother's quarrelling about a white woman stopping there. I can give no further reason for not speaking about what I saw.

The Court then adjourned till Monday next, at 2 o'clock.

**MONDAY, Sept. 20, 1869.**

**JERIMA LANE (Colored),**

sworn: I live at Loch Lomond. On Tuesday (it will be a fortnight to-morrow) I was out picking berries near the Black River Road, with several others. Martha Thompson went a piece from us, picking berries, and then called us over. Maggie Thompson, Henry Brandy, Isalah Gabels, Susan Lane and myself went over to her. We there saw a head, which we thought was a woman's head, and some bones, which seemed to be rib bones. We also saw a child's boot with a sock standing up in it; and something that looked like a woman's petticoat, and a skeleton, or hoop skirt, and pieces of dress. George Diggs took a stick and turned up the child's boot and sock. We got frightened and told him to let it alone. We then came away, picked a few berries and went home; this was about four o'clock in the afternoon. When I went home I told my father. He said we should have gone into the first house and told it. My father went the same evening and told a woman by the name of Mrs. Kennedy; she told my Aunt Corbys. I went down to my aunt's on the following Friday, and she asked me if I had seen a dead body on the Plains. I said I had. She said I should have gone into the first



house and told about it. On Sunday afternoon she went up to the old field and told Mrs. Douglas. Mr. Douglas came over the same afternoon to Mr. Isaac Thompson's and called for George Diggs and asked him if he had seen a dead body on the Plains. He said no. All who were berrying were at Thompson's at that time, and we all said now I don't know who said no first. On leaving the Plains the day we found the bones, George Diggs said he thought there were such a few bones it was not worth while saying anything about it. We all refused to go with Mr. Douglas and show him the place. I saw no brooch, Michel or jewelry of any kind. I saw a child's shoe. When we saw the child's boots and shoes we thought there must be a child there also. I took

JANE DAVIDSON

sworn: I live at Willow Grove, in the Parish of Simonds. I know nothing about it, except that I heard some bones and clothes had been found; never heard of any brooch or jewelry being found; I do not know of any white woman having lived at Eliza Taylor's; I don't know where Jane Murphy is; my mother died in January last, and three days after that I heard she had gone to the States. The last time I saw her myself was blueberrying time a year ago. She wrote to a man named Friel, in Waterloo Street. I saw Friel to-day.

SAMUEL PETERS.

sworn: I am a rafter and live at Portland. I know nothing about this affair until yesterday morning. About a year ago, Mary Kane, of Indiantown, told me that James Kane's wife had come and brought two children with her; that the same coach that brought them to the door took them away again, as they would not receive them. By the afternoon, I was meant the family; or Kane himself. Kane had a wife and was living at Indiantown at the time. It made considerable talk among the neighbors. I heard the same from other people; I do not think Mary Kane was friendly towards the family the way she talked to me. I told Kane about it and he denied it. I saw her and she

MARY KANE.

sworn: I live in Indiantown. I don't know of any woman purporting to be the

wife of James Kane coming here. I never told Samuel Peters or any other person such a thing. Peters asked me if I had seen a woman coming to James Kane's. I told him I had heard such a report, but never saw any woman coming there, and that I had never seen any woman but his lawful wife. I never told George Dunham that the woman presented a child to Kane and showed a marriage certificate, and that Kane denied that it was his. I never told Jacob Pigeon, Cowan, Shaw, Police Magistrate, or any one else anything of the kind. I lived about a year ago a short distance from my brother, and never saw a woman of that description nor a child come to his house. I never told any one that money must be raised to pay that woman, nor did I hear it said by any one else. I heard that a woman had come from the States to James Kane's house, but did not hear what she wanted. It was two years ago this summer. I never knew of her being back since. I did not start these reports myself, and never heard James or his father say anything about it.

GEORGE C. DUNHAM.

sworn: I am a lumber dealer in the Parish of Portland. About a year ago this month I happened to go into Mary Kane's as I was passing down the street. She asked me if I had heard the news. I said, "What news?" She replied James Kane's wife and children had come; that they came in a coach, which drove down to James Kane's door. The lady had stepped out, knocked at the door, and asked if James Kane lived there. Old Mr. Kane came to the door, and when she saw him she said that was not the Mr. Kane she wanted to see—it was young Mr. Kane. Young Kane then came to the door, and she recognized him, but he did not know her. Then she took a child out of the coach and said, "If you don't know me, don't you know your child?" He denied knowing either of them. She then ordered the coachman to drive her back to her hotel. Mary Kane did not tell me the name of the coachman.

JAMES WILLIAMS.

sworn: I am a painter and live in Portland. I was coming from Boston twelve months ago last April, when a young

man, asked my wife, He told me with wife, much the last not go about had sworn this I didn't Mr. Gr the wor looking One of five and woman hung in ing the same th She al man's b The I Thura sequenc James I order of informa Monday Chief of T. Wor place wh Tuesday made th Mr. Joy John, an Wednes

man, who was a passenger on the boat, asked me if I had seen Jimmy Kane's wife. I asked him what Jimmy Kane's wife was. He said, Jimmy Kane of Indian town. I told him I thought his wife was at home with him. Said he, "This is another wife." I said I would like to see her very much, and he told me if I would go into the ladies' cabin I could see her. I did not go in to see her. I heard some talk about the streets after that this woman had come to Kane's house.

**JAMES E. SPRAGG**, who had sworn: I live in Portland. Two years ago this fall I was coming up the Willamette river on a boatload of market produce. As I came by opposite Mrs. James Kane's (the old gentleman) house I was bound in there. The coach being in my way I had to stop. Then I heard a woman saying to Mr. Kane (that is Jimmy) "Don't you know your wife?" He said he knew nothing about her. She then said, "You know your children, then?" He said he knew nothing about any of them. Then she pulled a piece of paper out of her pocket, and asked him if he knew that? I did not hear his reply. I think it was Mr. Green who was the coachman. I saw the woman; she appeared to be a good-looking woman and nice-looking children. One of the children appeared to be about five and the other two years of age. The woman's hair, I think, was brown, and hung in dimples. At different times during the winter, Mary Kane stated the same things to me that I saw myself. She also told me they had to pay the woman's board in the city.

The Inquest was then adjourned until Thursday, 23d inst., at 2 o'clock. In consequence of the evidence elicited to-day, James Kane was placed under arrest by order of the Attorney General. From information received by the Coroner on Monday evening, he, accompanied by the Chief of Police, Mr. Calvin Powers, R. T. Worden, and the Jury, visited the place where the remains were found, on Tuesday morning, and from developments made the Coroner ordered the arrest of Mr. John A. Munroe, Architect of St. John, and summoned the Jury to meet on Wednesday, at 2 p. m.

WEDNESDAY, Sept. 22.

The Court opened at 2 o'clock, and in consequence of the developments made yesterday, and the arrest of John A. Munroe, a great deal of interest was evinced by the public, and as soon as the doors were opened the Court House was crowded with spectators. Shortly after 2 o'clock John A. Munroe and James Kane were brought into Court, in custody of policemen. After the names of the Jury were called, the Coroner proceeded with the Inquest.

**ROBERT T. WORDEN**, who is a coachman, and lives at the Union Hotel, Union Street. About a year ago this fall, Mr. John A. Munroe came to me on the street and wanted to know what I would charge to drive a lady to Collins', near Bunker's, Loch Lomond. I did not care about going. He said, "No matter what you charge, it don't come out of me." I then told him it would be worth five dollars. He got in my coach, and said to drive to the Brunswick House, near Reed's Point, and I drove there. He then told me to go up stairs and enquire for a lady by the name of Mrs. Clark. I went up and the lady said she would be ready shortly. She was soon ready, and came down and got in the coach. She brought a child with her. I think the child was about a year old. We then started for Collins', at Loch Lomond. We drove on about three-fourths of a mile past Bunker's, and turned to the right on the Black River Road. We drove along on the Black River Road about half or three-quarters of a mile. Mr. Munroe then said they would walk the rest of the way, as it was not far off, I stopped and they got out. He said they were going to Mr. Collins'. He told me to turn about and go back to Bunker's, get my dinner and feed my horses, and they would walk back to Bunker's. In about an hour and a half he, Mrs. Clark and the child came back to Bunker's. He told me the folks were not at home. Mrs. Clark wished to see, and she would have to come back some other day. He then said to hitch up quick and we would go home. I settled the bill for my horses and din-

ner, and we started for St. John. Munroe said on the way in not to drive to the Brunswick House, as Mrs. Clark did not like the place, and he told me I might drive to any place I chose. I said I would drive them to Mr. Lake's, Union Hotel, on Union Street, as I stopped there myself. He said it would be handy for me to take her to the American boat on Thursday morning. I drove to Mr. Lake's and told Mrs. Clark and child there. Munroe told me to drive to the Brunswick House and get Mrs. Clark's trunk and bring it to the Union Hotel. He remained in the coach. As we passed along the head of King Street Mr. Munroe said, "I'll get out here." So he got out and there was nothing more said. I drove to the Brunswick House, and got Mrs. Clark's trunk and brought it up to the Union Hotel. I took the trunk up to Mrs. Clark's room. I did not see her again until the next time we went out, which was on the following Saturday. On Saturday Mr. Munroe came to me again on King Street, and said he wanted me to go the same route again. He told me to be ready some time between ten and eleven that morning, and he would meet me at the Union Hotel. I was ready and he was there. I took Mrs. Clark and child and Mr. Munroe and started for Colling's, at Loch Lomond. We drove along about the same as before on the Black River Road, and near about the same place where we stopped the first time he told me to stop again. He said, "We will walk from here, as before." He told me to go and feed my horses, and get my dinner, and he would soon be back. So I let them out and went back to Bunker's, fed my horses and got my dinner. In about an hour Mr. Munroe came. He said, "The folks are at home that the lady wished to see. They are going to bring her in in time for the boat on Monday morning." He paid the bill for my dinner and horses at Bunker's, and also paid me before leaving Bunker's. He then got in the coach and we started for St. John. He told me before we got into town I might leave him out on Prince William Street, as he had some business there. I left him on Prince William Street, and he told me to take Mrs. Clark's trunk to the American boat on Monday morning. When I went to the

American boat on Monday morning he asked me if I had brought the trunk; I told him I had not, but would bring it next time. I found it would be out of my way to go for it, and I sent another man—I think it was Daniel Hatfield. I did not notice any names on the trunk. When I went back to the American boat I asked Mr. Munroe if the trunk had come. He said yes. I asked the man who brought the trunk how much it was for bringing it down. He said Mr. Munroe had paid him. I said Mr. Munroe paid me before. I did not see the trunk checked, and didn't know that it went on board. Neither did I see Mrs. Clark; I should have known her if I had seen her. I asked Munroe if she had come in. He said she had. I never was out to the place on the Black River Road before not since until yesterday, when I saw the place and recognized it where I let Mrs. Clark, Mr. Munroe and child out of the coach. I saw the place where the remains were found, and where I let them out of the coach was not more than 40 or 50 feet from opposite it. Mrs. Clark's hair was light. She was dressed in black. The hair shown looks like her's, but I think it was a little lighter. I have never seen Mrs. Clark since. Cannot recognize any of the clothing.

MRS. MARY ANN LORDLY,

sworn. On Friday night or Saturday morning, October 23rd or 24th, 1863, between the hours of twelve and two o'clock, the American steamer arrived. A cabman came to our door—Brunswick House, Prince William Street—and wanted to know if I could accommodate some ladies. I said yes, and he went back to the coach and opened the door, and brought in a woman and child. She said her name was Mrs. Clark. I asked the coachman if there were any more. He said no, and closed the door and drove off. I went up stairs to the ladies' parlor. Mrs. Clark had the baby, and I went forward to assist her in taking off its clothes. As I went to take the child it commenced to cry. She said it was on account of its father petting it so, and it did not like to go to strangers. I asked her if she travelled alone. She said no. I said to her, Where is your husband? She said he had a lot of men to look after,—that

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he was an architect, and he would not be there that night; that he might be there to-morrow or might not, but a gentleman would call to-morrow and get her checks for her luggage. I showed her to a room and she went to bed. I then went to my own room, and as I was going I passed through my cousin's room, and she asked me had any passengers arrived. I answered yes, and I want you to keep a bright look out in the morning, for she has got a child, and I have no idea of that being left here as there was one before. On Saturday morning after breakfast, I went into the room where Mrs. Clark was and asked her why she did not wash that babe. I went to the kitchen and sent her a pitcher of water by the girl, and she washed the child. Mrs. Clark enquired several times during the day if anybody had called to enquire about her checks. She was told no. At the dinner hour a boy came up and said a gentleman wanted to see me in the office about that woman's luggage. I went down to the office and saw a gentleman standing at the table. He said it was Mrs. Clark he wanted to see. I sent a little girl to tell Mrs. Clark that there was a gentleman in the office who wanted to see her, and I told the girl not to let on that I had seen him. He came out of the office into the hall and they talked there; after a while he went away, and she came up stairs. Shortly after her luggage came: it consisted of one trunk with a smaller one inside. She took out of her trunk a light blue dress and hung it up in her room. I had my suspicions regarding Mrs. Clark that all was not right. On Saturday afternoon, my cousin said she asked her if she could leave the child with us to be taken care of while she went out shopping. I refused, and she did not go out. While the boarders were taking their tea, the bell rang. The little girl came up and said a gentleman wanted to see Mrs. Clark. I took the child from Mrs. Clark and she went down to see him. The child cried and the mother came back and took it, saying, "You cross little thing." Shortly after the man returned and rang the bell again, and wanted to see Mrs. Clark. She went down, and after a few minutes returned with a lot of candy. George Murray, a little boy, who was at my house, knew the man who brought

the candy, and said his name was Munroe. During the evening she was very uneasy, and said she expected her husband. She went up to her room about twelve. I put up for the Windvor boat. About half past two I saw a bright light in her room. I woke her up and told her to open the door, and asked her why she left her light burning. She said she went to sleep and forgot to put it out. The blind of the window was up, and as I went to put it down I saw a man on the street opposite pass twice. On Sunday in the afternoon I asked her if she had ever lived in St. John. She said she had, and had boarded in Carlton; that she was tired going round, as her husband always took her with him. On Monday morning a coachman came for her—I think the coachman was Worden. He came up and asked for Mrs. Clark and child. I asked him where he was going to take her. He said to Loch Lomond. I asked the coachman who sent him for Mrs. Clark. He said Mr. John Munroe, and he is now in the coach. I saw John Munroe in Worden's coach when Worden came for Mrs. Clark and child. I went into the ladies' parlor and said to Mrs. Clark, "Look here, that man in the coach is a married man, and if he is not the father of that child I am much mistaken." I told her she should not come back to my house again. She then went down to the coach, and in a few minutes came back and paid her bill. She then went down again, got into the coach and drove away. I had a note written and sent to John Munroe's father, and his father came down to my house on Monday afternoon. I told him the circumstances. He said he thought it was a servant girl who had lived with his son. The coachman, Worden, came back in the afternoon for her trunk. I asked him where he had taken Mrs. Clark. He said to Loch Lomond. I asked him where he had left her now. He said at the American House, and that he was to go for her on Thursday morning, as she was going away. Mrs. Clark had on a thin, black Coburg dress; her hair was brown; she wore a blackish hat. The child's hair resembled that shown. I should think Mrs. Clark might be about 24 years of age. I cannot describe the child's clothes. I gave her some clothes for the child. I recognize the color of the



dress shown, and also the bib; I think I have seen them before, with Mrs. Clark. I recognize the hair as being done up in the style in which she wore it. I recognize the child's hair as being of the same color as that of the child with Mrs. Clark. Mrs. Clark wore a white skirt with embroidery at the bottom of it about 3-4 inches deep; it was like this now shown. I fear to see any more articles as those shown strike me as forcibly as belonging to her. I have never seen or heard of Mrs. Clark since.

**MISS SARAH JANE COLLINS.**  
I live in the Parish of Simonds, I live at Collinsville, Black River Road, a mile and a half from Mr. Bunker's. I was at home all the time during the whole of last year (1868). No woman and child came to our house during the fall of that year. No woman by the name of Clark has been at our house. Know of no woman or child being missing in our neighborhood. There could be no person at our house without my knowing it. I was the only housekeeper at that time. There is no other family by the name of Collins living in Collinsville. No gentleman with a woman and child called at our house last fall.

**CYNTHIA DYKEMAN.**  
I reside in Carleton place dress-maker. I made two dresses for Sarah Margaret Vark. One was a blue cubergondastre. I do not remember which the other was of orange brown. I also made a blue-grey robe of Whitney cloth. This was shortly after I made the dresses. I think I would recognize the saque if it was trimmed with two strips of the same material upon the shoulder with three buttons; the material also is that of which I made the saque, and I do not hesitate to say so; the buttons shown are not the buttons they were larger. I have never seen Miss Vail since I made the saque for her. I heard that she had a child. The child's dress shown is no part of the material of which I made her dresses. I have seen her since she had the babe, and that was on the street. The bottom of the saque was bound with black braid; the braid shown is such as that with which it was bound. I know her teeth; but should not like to look at her remains.

I think I saw her have such work in her hands as that shown on an embroidered skirt. I bought two yards of that same pattern from her. I have not got it now and I have not seen it. That was before I made the dresses or saque. I have seen her with this work on her drawers. I have seen her wearing a white undershirt—it was worked at the bottom about a foot broad. The last time I saw her she wore a black hat—I think it was straw. I do not recollect how it was arranged. I have not heard anything from her since last fall, when she sold her property to Mr. Littlehale, in Carleton place. I heard that she went away to the States. She had brown hair. I think that shown is her hair; she always wore it braided behind when I saw her. Her upper front teeth were a little longer than the others, and one lay over the other a very little. I do not want to see the head. [The skull was covered with a handkerchief except the teeth, and were shown to her.] Those teeth look very much like hers, especially that one that projected a little in front.

**SARAH LAKE.**  
I live in Carleton place dress-maker. I belong to this city. Mrs. Clark came near as a frequent caller to my house (Union Hotel) about the latter part of October last. She came on Monday, and said she wanted to stay till Thursday morning when she would leave in the American boat for Boston. On Wednesday afternoon she told me that Mr. Munroe did not wish her to go to Boston until the first of the week. She said Mrs. Munroe was coming there to take her out driving. On Saturday following between 10 and 11 o'clock Mrs. Thomas Worden took me to see her. I saw her in the carriage before the coach came. She was standing by the window and said she was waiting for Mr. Munroe to come and take her out driving. There was another lady with her. Shortly after I returned to the room. Mrs. Clark had gone. I asked the lady if Mrs. Clark was coming back. She replied that Mrs. Clark said she was coming back. Mrs. Clark while at my house talked a good deal about the money. She was visited by a man who said was Mr. Munroe. I saw the man once, but should not recognize him again. She said Mr. Munroe

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said she had better not go to the Thursday boots for it looked very much like a garment. She held up the black money, about \$500, properly left him by her. Is that better? Was gone? I asked her what had become of her money; she said her husband got it. I did not know whether the husband was. She said if he would only give her back her money she would be all right. Although she called herself Mrs. Clark I never supposed that was her name. She had dark brown hair that showed like it but it looks a little lighter. The child had light faxen hair, short and tightly curled. She brought the child with her when she came to my house. The hair shown in the same color as near as can be to that on the child's head. Mr. Clark was dressed in black, a black cotton dress. The material was poor in quality. While at my house she bought a new skirt—it was blue gray at the top with red around the bottom. That shows answers the description of that she bought, and which she put on the Saturday morning before she left. She bought a new corset. I cannot describe the color. One Berlin corset shown I recognize as that worn by the child. She bought it while at my house. It went over the shoulders and tied behind. She sewed those strings on while at my house. The child wore a dark coloring dress; had two dresses on while at my house; that shown is as like one of them as one dress can be like another. Both dresses were alike in color, but one had two frills, the other one, at the bottom; this has two frills. I did not know which she had on the child when she left. She also bought a new skeleton something Berlin to put on the child's head. I do not recollect the color, and a pair of black gray stockings with white tops; the stockings shown is as near in color and quality as can be to those Mrs. Clark brought to my house and showed to me. The child wore a pink tie which buttoned round the neck that shown is like the one I wore. I saw her when it was large with a small one inside of it. She also had a little black velvet coat I saw some of the things in her trunk. She had a blue dress in it and a parasol. I saw no other dresses. A man came on Monday morning and said Mrs. Worden sent him for Mrs. Clark's trunk. He got the trunk—there were two

more inside the other—had a valise. Her trunk was paid on Wednesday up to Saturday—it was paid to Mrs. Lake, but have not seen Mrs. Clark since that Saturday morning, about 10 o'clock. She wore a black brooch, but no jewelry. I do not know what name she gave the child; it was about 10 months old, I should think. It could not walk, but would stand for a moment besides a chair—it sat on the floor. The white shirt she wore before she bought the grey and red one had a good deal of crocheted insertion in it. Clark had a splendid row of teeth. She talked about Mr. Munroe a great deal while at my house. She said he had the wife of her while she was in the city. I cannot remember the words she said. She said she expected to come back to go on the boat on Monday morning. She wore a broad, dark hat, but I cannot describe the color. It was as broad as all the hats I saw at that time.

**JAMES OLIVE,**  
notary public for the district of Columbia.  
I reside in (Carlisle); am a shipwright. On the 5th of October, 1868, I was called to the house of Miss Vail to acknowledge a deed. I went there, and saw her with two other females. After I had been there about twenty minutes, Mrs. John C. Littlehale, who had purchased land from her, came there, and a deed was executed. Mr. Littlehale paid me the money. I counted it out and handed it to Miss Vail—it was \$500. She took the money and put it in her bosom. She then got a needle and thread and sewed it up. She said she was going to the United States. I had written the deed previously and she then paid me for doing so and acknowledged it. I have not seen anything of her since. Her name was Sarah Margaret. She had dark hair; it looked darker than that shown. She had a child; it was five or six months old. I should think; it had light faxen hair; it was something the color shown. I saw no other things.

**DR. M. H. PETERS,**  
sworn. I was sent for professionally on the 4th of February, 1869. I went to Miss Vail's house in Carlisle. While I was there she was confined of a female child. She told me the father was Mr. John Munroe, the shipowner. The child had what is called an umbilical hernia. I

subsequently ordered a bandage to be put upon it, and as the simplest remedy I ordered a nutmeg to be cut in two, to saw half of it into a little pocket and bind it against the stomach. I showed how I wanted it done, and before I left she sent for the nutmeg for the purpose. I saw the child some few days after, and it had the bandage on. That was some time in March. I saw Miss Vail on the street afterward, but I did not question her about it. I never saw the piece of head shown. It is about a year since I saw her. Her sister told me she had gone to the States with Mr. Munroe; she had told me on a previous occasion that she had gone to the States with him. The bandage put on the child was of common cotton. Miss Vail's hair was very dark; she always used a large quantity of oil; she generally wore it plaited at the back. She used to pass my house every day or two. The hair shown is very much like hers. I did not receive any compensation for my services. Her teeth were very good—there is nothing about the teeth shown that I particularly recognize. I frequently spoke to her sister about her and three months ago she told me she had come back from the States, and that Mr. Munroe had hid her away in Saint John somewhere, and said "I'll find her if she is to be found." That was the day before she went to Halifax. That sister's name was Great. She said she was certain she had not gone back to the States, but Mr. Munroe had got her hid away. She has a number of relatives living in Carleton. One sister lives close by where she hid, but they had not spoken to each other for some time.

WILLIAM LAKE,  
sworn. I reside in St. John, and keep the Union Hotel, on Union Street. On or about the 26th October, 1866, a lady and child came to my house in the afternoon making application for board. I think it was on Monday when she came. I did not like her looks, and objected to keeping her, saying I was full. My wife came from another department in the house, and said there was a room vacant and she could have that. My wife showed her upstairs to her room. On Wednesday she paid me for her board from the time she came till Thursday morning, saying she was going away in the Amer-

ican boat. Between the time of her paying her board and night a gentleman came and enquired for a lady by the name of Mrs. Clark. I did not know who he was when he came in. I told him there was a woman who went by the name of Mrs. Clark there, having a child with her. He asked me if he could see her. I then showed him up to her room. I trapped at her door, saying there was a gentleman who wished to see her. She came out in the hallway, between two rooms, and met him there. They stood and conversed for a few minutes. The gentleman then came to me and asked me what I would charge to keep the lady until Monday, as she was then going to the country. I told him the charge and he paid me. On Saturday she left my house between 10 and 11 o'clock in the morning, in a coach driven by R. T. Worden. I did not observe any one else in the coach. She took the child with her, leaving her luggage behind until Monday. After the gentleman left on Wednesday I asked her who he was, and she told me his name was Mr. Munroe; and from that time to the present I never saw Mr. Munroe, unless that is he sitting there, and he looks like the gentleman who paid me the board bill. I have no doubt but that is he [pointing him out]. Mrs. Clark's trunks were driven away from my place on Monday morning by a man who drove an express wagon, and I think it was young Daniel Hatfield, on Union Street. When Mrs. Clark left my house she had on a black dress, and a straw hat, but I can't say whether it was light or dark. Her hair was a darkish brown, about the same as that shown, which retains its color. I have not heard anything of her since she left my house. I did not hear where they were going when they went away. I cannot recollect any particulars about the dresses worn, unless it is that the child wore a straw dress, but I do not know what it had on when they left. That shown is like it, but somewhat discolored. The little apron it wore was pink, with trimming of a different color around the border, like that shown. I never saw her wear a watch or any jewelry of any kind.

JAMES M'LENN, sworn. I was acquainted with Margaret Vail. I used to nurse her baby. I used

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to carry it out last summer about this time. I used to dress the baby. I have often put on its bandage; there was a little round hard lump in it about so large [describing about the size of a half dollar]. I think it was there to keep its little belly in—there was a lump there. No one lived with Miss Vail when I was there but myself. A young man used to come back and forwards there; to the best of my knowledge there he is [pointing out Mr. Munroe from the crowd in the Court Room]. The last time I saw Miss Vail was about a year ago. She was then leaving her own house, and said she was going to Boston. She had on a black dress and an embroidered petticoat, a woollen cloth winter sacque, light brown, a black straw hat with flowers on the left side. The child used to wear a little brown dress with a sort of quilling round the bottom. [Dress shown.] That is the baby's dress; she put that dress upon the baby when she was going away. I am sure that is the baby's dress. I stayed with her till she left. Her hair was light brown [hair shown]; that is her hair to the best of my knowledge; she wore it plaited up in a sort of waterfall. Her drawers were embroidered [article shown]; that is something like the work. Baby wore a pair of kid boots. Miss Vail wore a finger ring with a lump on the back. She wore a black brooch—the brooch was a pin she wore in her sacque. The child wore no beads around its neck. Miss Vail's dress had black buttons upon it [buttons shown]; those are the very buttons she wore upon her garibaldi up the front—the garibaldi was black, the same as her dress. [Baby's boot shown.] That is something like the boot baby wore. The child's stockings had a stripe in them [shown]; that is something like them. Its tie was white with a little red braid round it. The child was a girl; it wore no jacket, but had something like a shawl. Miss Vail had a good set of teeth. I do not know where she is now.

The Inquest was then adjourned till Friday, at 2 o'clock.

FRIDAY, Sept. 23,

LOUISA ELLIS,

sworn. I live in Carleton. I know Sarah Margaret Vail—she lived in Carle-

ton; I have known her since she was a child six years of age. She left Carleton about a year ago. I was in the habit of seeing her every day. I saw her about a week before she left Carleton. She told me she was going to sell her property, but she did not know what she was going to do. I had some conversation with her in her own house previous to this in reference to her child. She called me into the house, told me something ailed her baby, and wanted to show it to me. She undressed the baby—I examined it and told her it was ruptured. She asked what she should do for it. I told her she would take a piece of lead and sew it into the bandage, which would serve as a truss. There was nothing of the kind on it at that time. She told me she had a leaden bullet that was cut for a gun, and asked me if that would do. I said it would. I told her she could pound it till it was flattened, and then she could make holes through it with an awl, sew it to the bandage and cover it with a piece of cloth. She told me she would fix it, but I did not stay to see. [Piece of lead shown.] That would be about what she would prepare from what I told her. She was not very tall, of a very light complexion, middling short. Her hair was a very pretty brown, between a dark brown and a light. She always wore it in a large heavy braid behind. She had a heavy head of hair. It was in a flat braid, but in the style of a waterfall. [Hair shown.] It is very dirty looking, but looks like the hair. That is the way she wore the braid. I think it is her hair. She was wearing mourning for her father. I saw her by the Asylum about a week before she left Carleton, and she had on a black dress. I cannot recollect the rest of her clothing, but I think her sacque was not black. Her hat was a straw hat, trimmed with some kind of light material, either crape or illusion. [Portion of hat shown.] This trimming is thin like hers, but I cannot identify it. I have seen her worked under a hat many times—she worked it herself [work shown]; I do not recollect about the pattern. I do not recollect how the child was dressed—I saw her in a red dress in April; that was the last time I saw the baby. Her uncle, Jacob Vail, told me some time in the fall, on the ferry boat,



she be believed she would give Munroe the money she got for her place, and he would send it and she would be satisfied. That was his impression. I heard afterward that young Fred Brittain, the expressman, brought her over to the city. Her uncle lived in Charleston. I know she had nice white even teeth; none decayed that I know of. The child was about three months old when I saw it; it had very light hair (fairer than that of a very nice the color of the child's hair I do not recollect her having any jewelry.

J. N. CAMPBELL.

I reside in Charleston. I know the Vall girls, but did not know their given names—they live in Charleston. A hat was sent to my shop to be colored and trimmed, in September of last year, for a Miss Vall, and I suppose it was for the one in question; it was a white chip straw, to be colored black and trimmed with black. It was trimmed with black ribbon and black flowers—think there was also some ribbons of it. I think Mrs. Grear took it away when it was done; [portion of hat shown] that is the kind of straw, the kind of ribbon, and the kind of ribbon—the ribbon is like what I had in the shop at the time, and I think I have some of it yet; and the craps and flowers are the same as I had. The hat was taken away on a Saturday evening. A Miss Vall came in and asked about my making a baby's turban for her baby, but she said she could get it cheaper at a Mr. Leonard's, and did not order it.

WILLIAM IRVINE.

I reside in Charleston; am a painter, was acquainted with Margaret Vall—never heard her called by any name but Margaret; she lived out in the country road, a little out of the city bounds, perhaps about 2,000 feet. I have known her since 1866. I have been to the house several times; she lived with her father. The last time I saw her was in September last year; she was standing in the porch, and I was standing outside. She had no dress on, but a jumper and a petticoat. Her hair was brown; she used to wear it put up in a net; I never noticed it put up in a braid; the hair shown is a shade darker than hers. I have seen her in different dresses; I have seen her wear a spotted mourning frock, and have seen her wear a brown one.

and sued DANIEL HARTVELL, alias of sworn. An express wagon driver. I remember slightly going to Mr. Lato's for trunks. Volder told me to go to Lake's for a trunk, but I don't remember whether I took it to the American boat or to the coast; I don't remember when it was sent; what time it was; I don't know who paid me, nor anything about it. The Court adjourned the Monday next, at 2 p. m. all credit suspended until Tuesday.

Previous to the adjournment, James Kane was released from custody after giving the necessary sureties for his appearance when called for.

HORACE BOWMAN.

I reside at Loch Lomond; am an inn-keeper. One day week before last I went out on the plains with Mr. March, in his carriage, to the spot where the murder was supposed to have been committed, to show him the ground. I remarked that it was strange none of the bones were found, and together we took a look over the ground. I first noticed what I supposed to be the skull of a child, about six or seven yards from where the remains of the woman were found. I pointed it out to Mr. March, and he picked it up, wrapped it in a piece of paper, and brought it in; [skull shown] I should say that was the same; neither the upper nor lower jaw were there, and I think the pieces of skull were separate. I know of no one visiting the spot except since the remains were found. I do not know of any woman or child visiting the spot before the discovery was made, and have no knowledge of Mr. Worden, Mr. Munroe, or a woman and child being at my house. I never saw them there. I was away from early morning to late at night during the month of October last, across the lake digging potatoes. My nephew, George Bunker, was at the house during my absence to attend to any one who might call there; he is residing at Quaco.

EDWARD T. KNOWLES.

I am a grocer, residing in Saint John. On Wednesday last, the 22nd inst., Mr. John Anderson drove me out to Mr. Collins's house on the Black River Road, where we met a man in a wagon, with two or three women with him, who said he was the first to find the skull of

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the woman, and would show us where it was. He drove ahead of us, and we turned about and followed him. When we arrived at the locality where the man said the remains were found, he got out of the wagon, went in from the road, and we followed him to the spot. He pointed out the place where the remains lay. He said, excepting the place where the skull of the woman lay, which was about 8 or 10 feet from the spot where she was buried, he was the first person who had seen the remains after they were found by the colored people. I think the man's name was Douglas. We then commenced to search for the bullet which was said to have been fired. Mr. Anderson had a small rake with him, and I felt around with it thinking I might hear if it touched it. When we failed in finding it in that way, I went over the same ground, feeling it carefully with my hands. I did not discover the bullet, but in examining very closely there was a tuft of moss close by which attracted my attention, as it looked as if it had been thrown off the remains. I there saw a string of red beads embedded in the moss [beads shown]; those are what I found. I marked the clasp so as I should know them again. I also found a few other remains: a little of the child's hair and some bits of cloth of different kinds. I cannot say how long the beads had lain there; they were from 8 to 10 feet from where the remains lay.

#### MARY BLACK,

sworn. I am a servant, residing in the city. I was living at Mrs. Lake's, on Union Street, in October last. A lady came there about the last of the month. She had a small child with her, about ten months or a year old; it was a little girl. The lady called herself Mrs. Clark; she wore a very thin black coburg dress, an embroidered skirt, a grey woolen sacque bound with black braid, a black hat, can't say what trimming; her hat was of straw. The little child wore a white tier bound with red, a very dark grey dress with ruffles at the bottom of it. I put the bandage on the child one afternoon when the mother was out. It was Wednesday or Thursday, there was something hard sewed in the bandage, but I do not know what it was; I did not know what is for; I did not see any lump upon the child; I did not see any rupture. Mrs. Clark and her child remained there from Tuesday, between 9 and 10 o'clock,

until the following Saturday. I do not remember any thing else on the child. When Mrs. Clark washed the baby in the morning its neck was a little chafed, and I gave her some beads. I do not know what she did with them, whether she put them on a string for the baby or not; I did not see them after I gave them to her; they were not strung when I gave them to her on Friday morning; the beads were red with a little white on the end—they were of middling size; [beads shown] these are just the same kind as I had and gave to Mrs. Clark; [cloth shown] that is the very same kind of material I saw Mrs. Clark wear in her sacque; it was bound with black braid as that shown. I think I could recognize the dress; [dress shown] that is the same kind of material I saw her wear. She bought a new santon on Friday evening after tea; [santon shown] that is the same kind that I saw her bring home; I saw her sew the strings on it to tie behind the shoulders. The embroidery upon the bottom of the skirt was a very large pattern; [embroidery shown] that looks like the embroidery I saw at the bottom of her skirt. [Dress shown] this is trimmed as that was which I saw Mrs. Clark put upon the baby the morning she left; I cannot say about the color, but that was a dark grey. I did not notice what boots or shoes the child wore. I went down to the door with her but I did not notice what the baby had on its head. [Bandage shown] this is the same bandage that I saw the child wear, and there was something hard in it about the size of half a dollar, as the piece of lead shown; it was put on and sewed over, first one way and then the other. The child wore a small cape of steel color; [cape shown] this is the same in color, material and make as I saw upon the child; [santon shown] I saw that santon on the child, but I do not know if it wore it when it left the house. They went away in Mr. Worden's coach. There was a gentleman in the coach—I do not know who he was. Mrs. Clark's hair was of a pretty brown color, done up in a braid. I gave her the pins to do up her hair. She wore it brushed back from the front, and done up in a waterfall style at the back; [hair shown] that is the same kind of hair, but a little faded. I washed and did up the child's hair the morning they went away; [hair shown] I do not recognize this; this shown has been a plunk tier; Mrs. Clark

put the tier. I gave her that morning upon the child. I have never seen Mrs. Clark since she went away. Mrs. Clark told me on Tuesday morning she was going away in the boat. On Friday afternoon she was away for 15 or 25 minutes, leaving the baby in my care; she said she was going to the trunk factory; she did not say where it was, but said it was to get some money. When she came back she showed me one \$5 note, two \$1 notes and two \$2 notes; she said she got them from the gentleman who called to see her that morning; I saw the gentleman when he called on Friday morning; I did not know him, and I did not take particular notice of him. I saw no buttons on her dress, but I saw some on her black garibaldi; the garibaldi was very thin like her dress; the buttons were up the front; [buttons shown] these are the same I saw her wear upon her garibaldi. I do not know what kind of a skirt Mrs. Clark wore when she went away. Mrs. Clark had a large new trunk, light brown or yellowish color; that was an outside one; there was another small one inside of it, but I do not know what color that was. I do not recollect her wearing any earrings or brooch.

William McLellan, Alfred Porter, Robert Moore, and Arthur Sloan, who live in the vicinity of the place, all testified that no woman or child answering the description of Mrs. Clark had been seen there during the fall of 1863.

#### JACOB VAIL,

sworn. I reside in Carleton; am a house joiner; my brother, the father of this supposed murdered girl was sick and in a dying state, and I visited him; this will be two years ago in the coming December; he died on the 16th December; I often attended him in his sickness; there was a good deal of talk about this gentleman, Mr. Munroe; it was rumored that this girl, Sarah Margaret, and he were keeping company, and I had a conversation with her, giving her good advice, telling her he was a married man, and that she was very foolish in thinking about him at all; she gave me a good deal of abuse, and I gave her up, and that was the last conversation I had with her; she said she thought she was capable of taking care of herself. I saw her

at the funeral of her father, on the 18th or 19th of December, 1867; I returned to the house, and Rev. Mr. Hartley, who attended the funeral, read over the deeds. He had deeded his property to his two youngest daughters; there were two lots to Phileonor Crear and the rest to Sarah Margaret. Sarah Margaret's hair was a brown, between a light and a dark; [hair shown] If I ever saw it I see it now—I believe from my heart and soul that this is her hair. I could not identify any of her clothes, as it is so long since I saw her. I do not recollect telling any one that I thought Munroe would get her money, but I believed that he would.

#### GEORGE MURRAY,

sworn. I go to school. I was at Mr. Lordly's one Saturday night—I can't say when it was, but it was late last fall; there came a ring at the door bell, and as I was going out I opened the door, and saw Mr. Munroe, that sits over there, standing there; he handed me a parcel, and asked me if I would give it to the woman; I can't say what her name was; she was up in the ladies' parlor; he told me her name, but I forget what it was; I took it up to her, and she asked me to hold the baby while she opened it; she took out a stick of candy, gave me one, and ate one herself. I gave her the baby and went out in the room where Mrs. Lordly was; I told Mrs. Lordly that man was not her husband, but Mr. Monroe that lived in the house with my sister, Mrs. Belding. I never saw her afterwards.

#### ROBERT R. ROBERTSON,

sworn. I belong to St. John; am a clerk in the store of I. & F. Burpee. One morning last fall, before breakfast—I do not recollect the month—Mr. John A. Monroe came into the store and asked to see our revolvers; I showed him what we had; he bought one of Smith & Wesson's; it was a cylinder with seven chambers; it took a No. 22 cartridge; that would be very small, the smallest size; he paid me cash for it—either \$13 or \$14, I forget which. He said he was going on to the States that morning in the American boat. I never knew Mr. Monroe to get anything there before.

The Inquest was then adjourned till Tuesday, at 2 o'clock, p. m.

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TUESDAY, Sept. 28.

JAMES CHRISTIE, M. D.,

sworn. I went to the dead-house on the forenoon of the 17th of the present month, in company with Constable Calvin Powers. He showed me the remains, bones, etc., of a grown person and child. I saw a skull which was perfect; it was the only thing that was perfect; the other bones were in a great measure destroyed. I examined the skull in the dead-house and found a circular aperture in the left temple; on measuring it, it proved to be a quarter and a sixteenth of an inch in diameter. Mr. Powers gave me the skull to take down to the Coroner; I did so, and he directed me to make a thorough examination of it; I did so in the presence of Dr. Botsford. I sawed off the top of the skull to get a good view of the interior; there was a large, rough, ragged opening on the internal portion of the skull; a number of small pieces of the inner table had been knocked off, the internal opening corresponded with the external one as to position, but it was larger. I went out on the Black River Road on the afternoon of the same day; I went to the place where the remains were found, and examined the ground very carefully, more especially that portion where the brain had run out. Among the brain matter I found a small fragment of the inner table of the skull; this fits the skull where the fragments were broken off. There were a number of fragments of dress, a child's tooth, and other articles picked up by me and others who were there. There were also some bones of a child and also of an adult. [Tooth shown] that is an anterior upper molar; I should judge from that the child was twelve or fourteen months old; it might have been older, but the usual time for cutting such teeth as that is from twelve to fourteen months; there are, however, exceptions to this, some children having them much earlier. I have examined the aperture in the skull and found traces of lead where the ball entered, and also particles sticking to the fragment of bone; the particles are larger on the fragment of bone than on the skull. It is my opinion the circular aperture in the skull was made by a pistol ball of very small size; I should judge from the hole that the bullet would not be over three-sixteenths of an inch in diameter; [cartridge shown that would

produce just such a size opening in the skull.] (Fragment of bone shown and submitted to microscope test by witness, then handed to jury for their inspection; witness then proceeded to show the jury the skull and the place where the fragment was driven from the inner table by the bullet.) I have no doubt but the person to whom this skull belonged was shot by a pistol bullet. I had some experiments made by a pistol and bullet the same size as that shown on a skull to-day; I covered the skull with a muscular tissue and filled the skull nearly full with water; two bullets were fired into the skull while it was filled with water, but neither of them went through—both bullets dropped through into the skull; a third bullet was fired into the skull without water or covering, and it passed through from side to side. The shots were fired from a distance of two feet from the skull; one of the bullet holes was smashed up, much larger and very irregular, while the two fired through the muscular tissue covering made holes corresponding in every respect with that in the skull now shown, which is the same handed me by Constable Powers for examination. A shot fired into the skull such as I have described would probably cause instant death; the person may die from the shock, or from the hemorrhage. On examining the skull I found that the meningian artery had been entirely severed, so that if the woman had not been instantly killed by the shock she would very speedily have died from hemorrhage.

LEBARON BOTSFORD, M. D.,

sworn. I was in Dr. Christie's office, and was shown by him a skull—this is the one; that was on the day that Dr. Christie said he was going out on the Black River Road, and I saw him start. Looking at the skull, the first thing that struck my attention was the hole in the left temple; the conclusion I drew from the appearance was that it must have been made with a pistol bullet. This shown would be very apt to make such a hole. Thinking that the bullet might be lodged inside the skull, Dr. Christie took off the top of the cranium with a saw, but no bullet was discovered, as the brain matter was so decomposed, and so small in quantity, that the base of the skull being open had allowed the contents to flow



out. The lower part of the hole inside was bevelled off and ragged, which would be the actual rest of such a missile passing through. Yesterday in passing I went into Dr. Christie's office, and he spoke of lead marks on the skull. With a magnifying glass I examined the edge of the opening of the skull; at one point it had all the appearance of a metal scraping, such as lead. He showed me a small piece of bone, such as the inner table of the skull would appear to have lost, and on it what I thought was indubitable evidence of the presence of lead. That only tended to confirm the conclusion I had previously arrived at, that violence had occasioned death. I have no doubt in my own mind that a pistol ball had occasioned the person's death. The result of a pistol bullet entering the skull like this would be, I presume, immediate death. [Fragment shown.] That looks like the piece I saw yesterday.

CALVIN POWERS,

sworn. On Wednesday afternoon, the 15th of the present month, I was directed by Dr. Earle, the Coroner, to go out to Loch Lomond, to see about the remains of a woman and child said to have been found out there. I accordingly procured a horse and wagon, and went out to the place where the remains were found, on the Black River Road. The Coroner came out after me and came to the spot also. I there found parts of bones, and a skull—that shown is the skull; I brought it into the city with the remainder of the bones and other articles; there were also the remains of a woman's dress, a grey tweed underskirt trimmed with red around the bottom, hoop skirt, some pieces of whiteney cloth, apparently of a woman's sacque, trimmed with black binding; pieces of a cotton skirt, fragments of a woman's underclothes, worked on the edge, pieces of what had been a black straw hat, trimmed with ribbon and crape, or something similar; a berlin sontag, a child's dress, child's berlin hood, a berlin sontag to be worn round a child's shoulders, a flannel wrapper or bandage, with three pins in it, with a piece of lead sewed into it, which when I lifted it up dropped loose from the bandage and hung by a thread which I cut loose; a little pink tier or apron, a little child's shoe and stocking; also a great many fragments of dress which were scattered around. All the articles I now produce are those I brought in and have had in my possession ever since, and can identify. I gave the

skull to Dr. Christie the next morning. I deposited all the articles the night I brought them into the city in the dead house. It was on Friday, the 17th, I gave the skull to Dr. Christie. I also found a woman's hair, which had been braided behind, and the front parts were hanging loose; the hair was very long. I also found and gathered up several bones and remains of a child; there were small pieces of ribs and other bones; the remains of the child lay a little distance from the spot where the remains of the woman were found. On Friday afternoon, the 17th inst., after being to Mispick and Black River, I visited the place where the remains were found again, and made another search in hope to find the bullet, but did not find it; I found, however, a child's tooth, other portions of bone, little pieces of clothing, and portions of a child's hair, which were among the moss and bushes; the hair was light flaxen color. I saw the hole in the skull before Dr. Christie took it away; when he took the skull in his hands he pointed to a little black spot in it, which fell in when he touched it. I also brought in some brush, which had been cut from trees to cover the bodies—the brush was spruce; I also cut off the branches from the trees, and found the pieces of brush where the bones lay corresponding with the cuts upon them. The remains appeared to have been covered with moss and some dead trees. On the second occasion of visiting the place, I took a shovel from Mr. Bunker's and dug down and turned up the soft moss, and underneath I found a little ball a foot or more under the moss, which, on breaking open, I found to be a ball of a tassel belonging to the sontag. The moss looked as though it had been removed from a rock close by and used to cover the bodies.

The Inquest then adjourned until Thursday morning, at 10 o'clock.

THURSDAY, Sept. 30.

PRILEANOR JANE CREAM,

sworn. I am the wife of Robert Cream; I reside in Halifax, Nova Scotia; I have been living in Halifax since the 29th of May last—previous to that I lived in Captain Rufus Patterson's house, Blue Rock, Carleton; I lived in that house from the 1st of August, 1868, to the 29th of May last. I was born and brought up in Carleton; my parents are both dead, there are six sisters of us; there is one dead, and I expect another in; the eldest is Rebecca, Ann Olive, Millicent Turnbull is the second, Stavora Jenkins

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third, Phileas Jane Crear fourth, Chloe Turnbull fifth, and Sarah Margaret Vail was the youngest. My father's name was John Vail. Millicent Eliza Turnbull is dead, and Sarah Margaret has been missing. It is over a year now since I saw her last; she was in her father's house the last time I saw her—that was on the second day of August, over a year ago; the house was situated in the Parish of Lambeth; father was then dead; she and her little daughter lived in the house; she had a child, but was not married; the child was born on the 4th of February, a year ago; its name was Ella May Munroe; it would have been six months old the 4th of August, 1868; the father was John A. Munroe, architect, of St. John; I know it because no other man kept company with her from the first to the last, and she told me it was his; it is four years ago this summer since he first became acquainted with her; I was then living in Mr. Ephraim Eaton's house, but after my father's death, which was on the 10th of December, 1867, I lived in the house with my sister; the child was born on the 4th of February after, when I was there; I went for the doctor before it was born, washed and dressed it afterward, and was the only nurse my sister had. Dr. Peters, of Carleton, attended her. The child was ruptured in the naval; I showed it to the doctor; the doctor told me to take a nutmeg and cut it in two, and sew it into a little bag, and put it so that the rounding part should shove its naval in; a bandage was put over that to keep it to its place; that did not do it any good. A woman in Carleton by the name of Mrs. Ellis, a nurse to Mrs. Olive, came to the house of my sister to ask if we had any word from my brother in Minnesota; after she went out of the house, my sister said, "Why didn't you ask Mrs. Ellis what ailed the baby?" I went to the door and called her back, and asked her if she could tell me what ailed the child; I undressed the child and she told me it was ruptured. I asked her if she could tell me what was good for it; she told me to take a piece of lead, punch holes in it, and sew it into a piece of cotton to make a truss. My sister told her she had no lead, but she had some bullets that father had run for the gun, and asked if that would do for it; Mrs. Ellis told her yes—to take one and smash it flat. When Mrs. Ellis went out, I went up stairs and got a bullet; I took it down and laid it on the brick of the hearth; I took the eye of a narrow axe and smashed it flat; I took an awl and punched holes around the eye; I

am not certain how many; the holes were kind of rough; I took an old rasp and rasped them down to make it smooth. I took a piece of new unbleached cotton, doubled it, and sewed this lead into it; the cotton bandage was a little broader than a man's hand, so that it should go nicely over the child's hips, and I pinned it around its body with three pins at the back; it remained on the child from the time I put it on—some time in April—till I left on the 2nd of August; although taken off from time to time, yet the same bandage was always used—no new one was made. I could swear to the place of lead if I saw it in England; [bandage and lead shown]—if it should be struck dead this minute, that is the lead bullet my father ran and I smashed; I could swear to it if it was on my death bed; the cotton is torn and discolored, but it is like the piece of new factory cotton I tore off and sewed the lead into it; it was sewed right round and round through the holes; between the folds no one could puzzle me in that. [The child wore a middie light brown dress; it was made low neck and short sleeves, with a little narrow fluting up the waist and around the sleeves; the same trimming was around the bottom of the dress; only it was broader; it had a little pocket in its made of the same material; dress shown] so help me God! this is the stuff I bought at John Armstrong's to make a dress for my sister, and Mrs. Cynthia Dykeman, John Dykeman's wife, of Carleton, made a dress out of it for my sister; I helped her to tear the dress up afterward and made two dresses for the child out of it—this is one of them, the other was made plain; this dress she kept to take the child out in. When I was there the child was short tierp, but it was growing out of them and she was going to get new ones. Its hair was white—it could not be any whiter; it was short and glistening; [hair shown] this could not be more like it; but it is soiled by lying out; it would not be an easy thing for me to be deceived in the hair, for I had the washing and dressing of the baby to do. I have not seen my sister, Sarah Margaret, since the end of August a year ago. I heard that when the boat race boys—the Paris Crew—came back from the States, she came back with them, and John Munroe in company with her. I should know John Munroe if I saw him; I have had my eye to him once or twice in Court, and I should not like to be very near him to see him again. I heard that he took her to a hotel in St. John, and that the landlady asked a time about it; she

that he had to take her to another. Wm. Irvine, of Carleton, the painter, told me that he heard this. It was some time in October of last year, he told me. I heard nothing more, except that Mr. James Reynolds, the tailor, on Germain Street, told me last winter, when my husband was working on his house, he thought he saw her looking out of the window of some house, as he passed—I forgot what house it was he told me. Mr. William Irvine, the painter, in Carleton, went to the house to see, but they said she was not there. I heard that she had left and gone to the States with John Munroe. I left St. John on the 28th of May and arrived in Halifax the 29th of May last. I stayed there at Mr. Ann Corbyn's Boarding House till the 9th of June, when I left that Wednesday morning, for St. John; I arrived here the same night at 9 o'clock. I stopped at Mrs. Grear's—my mother-in-law's—two days. I went to Carleton on the 11th. I stopped in Carleton till Thursday, the 17th. As I went down to go to the boats, I met Mr. Reed, the postmaster; he asked me if my name was not Mrs. Grear; I told him it was; he said, "I have a letter that was left for you to-day, particular." I went to the Post Office door and he told a boy, whom I think he called William, to hand Mrs. Grear that letter off the shelf. I took the letter. There was no postage to pay upon it—I asked particularly, and he said there was none to pay. I took the letter and put it into my pocket. I looked at the stamps to see where it came from and saw one of them was "Boston, Mass.," another was "Carleton, St. John."—there were three or four stamps on it and a three-cent American postage stamp; the other stamp was "St. John, N. B." I have that letter in my possession [letter produced]; I thought there was something about that if anything was wrong I should come forward and say I had got a letter from my sister, for I did not believe it came from my sister at all. My sister could not write, neither could she read writing, and hardly print. I cannot read writing. Miss Mary Grear, my husband's sister, on Germain Street, read the letter first to me, and afterward my husband, Robert G. Grear, read it. Miss Grear asked me if I knew who it was from; I said I did not. When she mentioned that the name was Margaret I thought it must refer to my sister, but I did not let on, for I did not want them to know that she had a child. [The letter was here read by the Coroner, and identified by the witness as the letter and envelope, by marks she had

put upon them, received by her from Mr. Reed, the postmaster in Carleton, on the 17th of June last year.] The letter is the same as when I got it. The postage stamp on it now is the very one that was on it when I got it. I thought at the time the letter came from Mr. Munroe to deceive me if he could. I always ran away with the idea that he had done away with the girl—made away with her for the sake of her money, and to get her off his hands. My sister wore a thin black alpaca dress—I bought the stuff at John Armstrong's. The dress was made low neck and short sleeves, for I cut it out and helped her to make it; it had some black braid worked around the bottom of it. She wore a black garibaldi made of pretty near the same stuff. There were no buttons on this garibaldi when I left home, but she said she was going to get some down to Mr. Leonard's. She wore around her waist a broad sash of black ribbon, something similar to what I now have on around my basquine; the ribbon was interesting. She wore a plain white undershirt next to her hoop skirt; over that she wore a white embroidered one; it was embroidered at the bottom, and above it there was a row of thread crocheted insertion; she crocheted it herself; it was an inch and a half or two inches wide. The same kind of insertion went up the front of the skirt across the breadth in stripes; the cotton was eight or nine inches wide between the insertion. She wore a pair of embroidered drawers; the embroidery was about six inches wide; I should know the pattern if I saw it, for she crocheted it in my house; [embroidery shown] that is nearly the same as she had on her skirt; I am pretty certain this was on her skirt. [another piece shown] that is from her drawers, to help me God! these are pieces of her skirt and also of her drawers; that is her work. Mrs. William Olive drew the pattern of both drawers and skirt for her. She had a white chip straw hat; I carried it down to Miss Jane Campbell to get it colored, for she was going in black for father. Miss Campbell colored it black and trimmed it with black silk illusion and narrow black ribbon, with a bunch of grape flowers on the front; [portion of hat shown] I take my solemn oath that is the same trimming, illusion and ribbon that was on the hat I got put on Sarah Margaret Veil's hat at Miss Jane Campbell's. I have some of the same shown at the house, which I wore on my own hat at the same time, and could have brought it up if I had thought of it. [White ribbon shown; here witness broke down and began to

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weep bitterly.] That is her waist ribbon—I bought it in James Manson's.

At this point many of the jury and spectators were moved to tears, and a sad and mournful spectacle was presented, such as our Court House has seldom if ever witnessed, and the investigation was adjourned by the Coroner until 2 o'clock.

#### AFTERNOON.

PHILRANGOR JANE CANAN's examination resumed. [Portion of dress shown.] It is the dress she wore. Her hair was dark brown when styled, and she wore it in two braids up behind in waterfall style. She parted her hair on each side, and brushed it flat in front, each portion being rolled up and twisted around her knot at the back of her head. [Hair shown.] Oh, it is too true—my poor, poor sister; she is gone—she is gone! This is more than I can stand; I could swear to that hair wherever I saw it. Oh, to have to look at my poor sister's hair that has been so cruelly murdered. That is the color it was when she did not grease it. Oh, how could he be so cruel as to do it!—it is too hard for any human being to look at. Oh, poor Mag, you're gone—you're gone! And to think that she should lie in the snow all winter! Oh, to look at that poor hair, and think that her dear head has lain in my lap so often! She had very nice teeth, the upper front ones a little larger and longer than the rest of them; one lapped a little over the other as mine do; one of her under teeth was gone—I think it was Dr. Harding pulled it out in our house; it was as much five or six years ago since she lost that tooth; I would know the teeth if I saw them; [skull shown] I can answer any question, but I can't bear to look on the remains of my poor sister. There is where the one is gone; we used to laugh at one another about her teeth,—her lower ones lapped over the upper ones. Oh! is that the way I have to look at you now, when I used to be able to look at your features and now can see nothing but your poor skeleton! My sister was suckling her child when I last saw her. She had a pair of gold earrings, flat on the back and oval in front, with purple stones in them; she had a finger ring to match them, with three purple stones on the back. One of the earrings had a pin hole in the front part, which she made to see how thick the gold was. She also had a flat black, glass brooch, which when held up to the light would show a change of purple and black; it had

a steel pin in it; Mr. Page put a pin in it and mended it; I took it to him. She got the earrings from John Munroe. He gave her the earrings first and next the finger ring. It was shortly after he first became acquainted with her that he gave them to her, more than a year before the child was born. My father found the brooch and gave it to her. When I last saw her on the 2nd of August, 1868, she wore the earrings in her ears and the ring on her forefinger—that was the day I left the house. When I lived with my sister Munroe was there four or five times after the child was born. I saw him there and talked to him. She would be twenty-five years old, I think, the 25th of this January coming. She had only one plain black dress, but she had another second mourning black and white; that was cotton; she also had a blue coburg one. She had a heavy dark grey sash, bound with black braid around the bottom and up the front. I could recognize it, for I bought the material at Mr. James Manson's, two and a half yards, at eighty cents a yard; I do not know the name they gave it; [portion of cloth shown] yes, that is the stuff—it has not changed color much since it has lain there. This is bound as her's was, with black braid; it is the same kind of braid—I paid three cents a yard for it. The child had two grey dresses and a Salisbury flannel one, dotted red and black, for wearing round the house; it had also a purple calico one, and two little white chemises, with insertion, which she worked around the arms and neck. When I last saw it, it had four upper and four lower teeth; it then wanted two days of being six months old. The child wore around its neck a little red and white Berlin shawl or contag father found and gave to my sister; [Berlin contag shown] yes, sir, father picked that up by the New Burying Ground. She wore it first around her neck in winter time and the child wore it afterward. It had a little black silk hood, but it was worn and it is not likely she would take it out in that. I heard she had bought another one. The gun my father owned was an old-fashioned musket, I think they called it a King George's musket. Mr. John Littlehale has got it now; it was given to him. The baby's shoes were red when I last saw it, but she got another pair afterward, I believe. The ties it had when I left were too small for it to wear. After I left my sister, I heard Munroe was frequently there when he was working at Mr. William Clark's house. I have had many conversations with him and told him the



serious consequences of such things. He seemed to feel sorry about it, but said he did not know what to do, as she liked him and seemed to be sticking up to him. At first she did not know he was married, as he denied being a married man, and said it was his brother that was married. Mr. Grear knew him well, and I learned from him that he was married to Mr. Potter's daughter. Mr. Munroe gave some support to the child; he sent two five dollar bills to the house, and three oranges to her. I am not aware of his sending anything else. He used to send notes to her by a little boy; my little daughter read them to her; she had five or six of those notes from Munroe, and she kept them all. She had a wooden trunk father made from boards painted blue—a lead colored blue. Mr. Munroe gave her a lock, and she said he put it on. She had a small silver pistol in it for one thing, that John Munroe gave her to fire with cartridges. She also had his likeness in it, also my brother's, an aunt's and an uncle's likenesses. I did not see any money she had, but I heard that she had \$375, and I suppose if she went away with that gentleman he took her money from her. She sold her property to Mr. John Littlehale for \$500. I do not know what became of it. She had some other trunks, but they were not fit to take away, and she gave them to Mrs. Hugh McLaren. I saw the no. 9 sent by Munroe to my sister, and could recognize them if I saw them. She had a dark brown silk parasol; I bought it at Mr. James Manson's; I gave four shillings and sixpence for it. The \$75 she had was for other things she said.

#### REBECCA ANN OLIVE.

sworn. I am a married woman, wife of William Olive. I am not acquainted with Mr. Munroe—should not know him if I saw him. The last time I saw my sister was the day she handed over the property to Mr. Littlehale; she went away in Mr. Littlehale's wagon. We were not good friends at the time, on account of her behavior with Mr. John Munroe, the architect. She had received her money; Mr. James Olive counted it out to her in the house. Mr. Munroe knew she had no mother, and I talked to my sister about the consequences of such things, and told her he was a married man. It is a little over a year ago since I saw my sister. I have seen her wearing a black dress and a second mourning one from my window, but not near enough to identify them. I have seen the cape off in; the little girl that tended the

babe used to put it round its shoulders when she took it out. [Work shown] I drew the pattern of this work; I can swear to it, and can bring a skirt from which I drew the pattern for Sarah Margaret Vail's drawers. That was about two years ago. When she got one breadth of her skirt worked she would come to me to draw another. The "compass work" is her drawers' bottoms—the other is her under skirt. I thought first it was like the skirt I have on, but that she told: I can swear both to the pattern and to the work. It is her work and no other person's. She was just commencing to learn to work, and was not a very good worker. She said if I would draw it off she would try and learn to do it herself. I never heard that she was going to have a child till after father died. Her child was born two months or so after his death. Her hair was lighter than mine. She always wore it braided and put up in a waterfall. My eldest daughter and she wore their hair dressed alike. I do not know whether I could recognize it or not. [Hair shown] there is no doubt but that is her hair; it is exactly as she wore it; she had a very heavy head of hair, and the front ends were rolled around her waterfall; there is no doubt but that is the poor unfortunate creature's hair. [Cape shown] her cape was the color of this, but this is the child's. [Piece of sash shown] there is no doubt but this is the same cloth. She had it bound with black braid around the bottom and around the wrists.

#### GEORGE BUNKER.

sworn. I reside at St. Martin's, I keep a confectionery shop now. Last October I was living at Horace Bunker's, at Lake Lomond, about ten miles out of town. At that time but what day I do not know—I think about the middle, but can't say—I saw a coachman pass the house; I do not know who he was, but should know him if I saw him; he turned the Quaker Road. I did not notice who was in the coach, or if there was any one. In about half an hour the coachman returned alone. He put up his horses and ordered dinner. I asked him who he drove out, and he said he drove a gentleman and lady about a mile and a half out the road. I asked him if he had left them at Mr. Collins', as I thought that would be the first house; he did not say whether he did or not. After he came out from his dinner we were standing in the yard; a gentleman and lady with a child came into the yard. He told me the gentleman's name was Mr. Munroe. The lady

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got into the coach and Mr. Munroe put the child in. That [pointing to Mr. Munroe] is the man I saw. Mr. Munroe asked the coachman if he had had his dinner, he said he had. Mr. Munroe and the coachman then had some talk which I did not hear; I heard Mr. Munroe say to the coachman something to the effect that the lady did not see the party she wished to. I heard him engage the coachman to drive him out again—I did not hear any time mentioned. I cannot say whether the coachman or Mr. Munroe paid the bill the first time. He then drove away. I cannot say whether it was the next day or three days afterward the coachman and the same party came out again. I did not see the parties as they drove past the house on the same road. The coachman returned in about the same time—thirty minutes. He put up his horses and ordered his dinner. I asked him if he had driven to the same party's house, and he said he had. I asked him again if he had left them at Mr. Collins, and he did not say whether he did or did not. He went into the house. He was sitting there waiting for his dinner when Mr. Munroe came in. Mr. Munroe took off his hat and wiped his face with a handkerchief, saying he had a hard walk. He then asked the coachman if he was ready; the coachman said he had ordered his dinner; Mr. Munroe told the coachman he would rather pay for his dinner than to have him stop to eat it. The coachman then started to put his horses in. Mr. Munroe followed him as far as the door and said, "I will pay you now." Mr. Munroe gave the coachman six dollars. The coachman then asked Mr. Munroe where the lady was—I did not hear him say anything about the child; Mr. Munroe said he had left them at Mr. Collins. I heard him saying something to the coachman about Mr. Collins driving them in—I did not hear him say when he was going to drive them in. The coachman then went to the stable to put his horses in. Mr. Munroe came into the bar-room and called for a glass of brandy. He took it and asked me what the bill was. I told him it was one dollar. He took out a bill and laid it on the bar, started right out and got into the coach. I took the bill, thinking it was one dollar. I kept the bill in my hand, followed him and saw him get into the coach. Why I kept the bill and followed him on was because I thought he was in a great hurry. I saw the coach drive away. I turned and went into the house, and on putting the bill in the drawer I found it to be a two dollar bill. I have never seen the

woman or child since, and I don't think I could know her if I should see her. The second time I don't think it was over thirty minutes from the time the coach came till Mr. Munroe came; there was not time to prepare dinner; it might have been a little longer as the dinner was nearly ready. Mr. Munroe and the lady did not get dinner the first day they were out. On the last occasion, when Mr. Munroe returned he was in a very great hurry and appeared to be much excited. I thought it was owing to his long walk, and that he had been walking fast. I do not think he would have had time to walk from the place where the coach left him to Mr. Collins and back to our house. I am not certain that Mr. Munroe said he had been to Mr. Collins, but I heard him say Mr. Collins would drive them in. The day was wet and heavy with mist, but it did not rain. I do not know which way the wind was. I heard no sound of firearms. I saw the coachman when he drove past; he nodded to me, and although the coach was a but up I supposed it was the same party. I did not see what bills Mr. Munroe gave the coachman, but I heard him name his price, six dollars, and saw Mr. Munroe hand him some bills.

The Inquest then adjourned until Saturday morning, at 10 o'clock.

SATURDAY Oct. 2, 1860.

For an hour before that at which the investigation was resumed this morning, a large crowd of excited people gathered outside the Court House, and upon the Square in front of it, waiting for the doors to be opened. It was just 10 o'clock when the doors were unlocked, and then the people rushed in, seizing the most advantageous positions, climbing over the barriers and jamming each other against the tables and stoves. The whole room was speedily filled in every part, till there was hardly standing room anywhere. The noise made upon their entry subsided in a few moments, and a hushed lull ensued, which was only broken now and then by the constables calling upon somebody to go down from off the tables or barriers, upon which they had climbed. The trunk of "Mrs. Clarke" was brought into Court and placed in front of the Jury box. It was an ordinary box trunk, covered with black oil cloth, and strapped across the top with three wooden strips. It appeared as though it had received rough usage in travelling, but showed little signs of wear. The Jury being all present, and the pri-

soner, in charge of the Sheriff, brought into Court, the examination was proceeded with.

**JOHN S. HALL**, sworn, says: I belong to Chelsea, Massachusetts; am mate of the steamer "New York; I received from Mr. Kilby, the Agent of the International Steamboat Company, a trunk on board the steamer "New York" at Boston; I had not seen the trunk previous to its being delivered to me; I was directed by Mr. Kilby to deliver it to Captain Chisholm, the Agent of the Company in St. John; I am certain this is the same trunk; I delivered it to Captain Chisholm last night; there are marks upon the articles it contains by which I can identify them.

The witness was here ordered to stand aside, and

on being sworn, **CAPT. H. W. CHISHOLM**, sworn, was sworn.—I belong to St. John; am agent of International Line. On the 27th of last September I received a telegram from Boston, from Mr. W. H. Kilby of Boston.

Boston, 27th Sept., 1869.

Clark trunk is found, and will be sent by the "New York."

(Signed) **W. H. KILBY**,  
Agent International Steamship Co.

I telegraphed to Mr Kilby to place it in the hands of a responsible person, to be handed to me; as our check was upon it, and I was responsible for it. On the 28th of September I received the following letter from Mr. Kilby:

**OFFICE OF INTERNATIONAL COMPANY,**  
End of Commercial Wharf,  
Boston, Sept. 27th, 1869.

**CAPT. H. W. CHISHOLM**, Agent I.S.S. Co'y.  
Dear Sir,—Last week I had a despatch and letter from the Chief of Police, at St. John, asking if we had here a black trunk and valise marked "Mrs. Clark" or "Sarah M. Vail." We overhauled our stock of unclaimed baggage without finding any such marks.

This morning Mr. Fletcher was reading in the *Daily Telegraph* the testimony of Sarah Lake, in which she states there were two trunks, one inside of the other, and he remembered in examining our baggage when it was put away last January, to have seen such a trunk, so, since the *New England* left, we have made another examination and have found the baggage. There is one black trunk with a smaller one inside, and a small black bag tied to the handle. There is a parasol and a few

articles of woman's and child's clothing which don't look very neat. It has on it a *New England* check, No. 706. Please notify the authorities. I will send it by the *New York* Thursday.

Yours truly,  
**W. H. KILBY.**

Last night the trunk arrived in charge of Mr. Hall, mate of the steamer "New York." I went on board with Mr. Hall, and brought it to my office, and in the presence of the Coroner, John R. Marshall, Chief of Police, John S. Hall, Mate of Steamer "New York," and myself, it was opened, and I took an inventory of its contents, and marked them.

**INVENTORY.**

One black trunk, white wooden strips on the top—lined with pink and white paper, containing a small black trunk, similar to the large one. The large trunk contained beside the small one, a parasol and a small black button without an eye. The small trunk contained two thimbles, one without a top; two hickory nuts, one spool white cotton No. 60, one small empty scent bottle, part of a black lace veil, one white hair net, one black fancy button, one child's gray jacket, one *New York Ledger*, Sept. 26, 1868; one *Chimney Corner*, Oct. 17, 1868, one *Street & Smith's New York Weekly*, Oct. 23, 1868, one *Saturday Night*, Oct. 17, 1868, one *Harper's Weekly*, Oct. 17, 1868, Mrs. Winslow's *Domestic Receipt Book* for 1862, 1866, 1867; one book "Snow Bird, or the Trapper's Child;" one child's urab coburg dress; one pair white ribbed cotton stockings; one bundle white cotton cloths, one child's plain white cotton petticoat with insertion; two child's plain white cotton shirts; one white cotton do., with crochet work round the neck and sleeves; one child's pin-afore, with white buttons; one child's drab coburg dress, with trimming in front, and round the bottom and sleeves, bound round the bottom with black braid; one child's white cotton night gown; two pairs child's woolen socks; two pairs do., striped red and white; one pair do., dark red with white spots, tied around with a woman's white collar, quite narrow; one pair child's white cotton socks; one pair woman's drawers with insertion near bottom; one woman's unbleached cotton skirt, with two pockets in it; one woman's white cotton underskirt, with deep embroidery round the bottom, one row of insertion just above the embroidery, all the way round; and two rows of insertion above on the front breadth; one wo-

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man's blue coburg dress, with small light buttons, half way down the front, and hooks and eyes, and one pocket of the same material as the dress; two pairs woman's white cuffs; one child's white hat, trimmed with purple ribbon, and white gimp; one woman's lace collar, one muslin do. with edging around the ends; one newspaper parcel containing three photographs: one tin-type photograph of a man, (in a case); one ring case, made of paper, containing grey hair. This is all the contents of the trunk. On the end of the large trunk was fastened by check (No. 706) of steamer "New England," a small black carpet bag, containing one pair black cloth mourning gloves: five pieces white cotton—one piece rolled; one child's napkin; one decayed apple and two pieces of candy.

[The trunk was then opened and the contents checked off by Capt. Chisholm. On the parcel of photographs being opened, Captain Chisholm said he recognized one as that of Mr. Munroe—the other he did not recognize—but thought it was of M. Crear.

*Witness resumed*—I have now examined the contents of the trunks, and find them as I marked them: they are the same as I received from Mr. Hall.

JOHN S. HALL, recalled.—The trunks are the same as delivered to me by Mr. Kilby, Agent of the I. S. S. Co. I find the contents of the trunk, now examined, the same as I handed over to Capt. Chisholm last night.

R. T. WORDEN, recalled.—I re-examined. That is the same kind of a trunk as I took from the Brunswick House to the Union Hotel last fall, about a year ago; I did not notice any marks upon it, Mr. John Munroe sent me for it. There was a little black bag similar to that shown; I could hear something jar inside the trunk, but did not know what was in it.

MRS. MARY ANN LOVELLY, recalled.—I re-examined. Mrs. Clark had a black trunk apparently new, when she was at my house, (trunk shown) I am positive that is the trunk of Mrs. Clark. When old Mr. Munroe came to my house, about two or three o'clock on the afternoon of Monday, I showed him the trunk, (Mrs. Clark had left my house that morning). He said it looked like one that was manufactured in his establishment. He took a knife and cut a notch in the centre strip of wood, on the top of the trunk, to compare woods, and said he had no doubt it was out of his factory. (Small trunk shown). I have seen that trunk; she (Mrs. Clark) took it

out of the large one in the office and took it up stairs. She had a blue dress, which I think I could identify. It had some white spots on it. [Dress shown.] That is the dress that I saw with her. I would know the bag if I saw it; it was made of some kind of enamel leather. [Bag shown.] That is the bag she had when she was in my house—I am sure of it.

MARY BLACK, recalled.—I re-examined. I never saw Mrs. Clark's trunk opened at Mr. Lake's. [Trunk shown.] The trunk I helped the boy take down stairs I thought was a kind of a yellow one; there were strips on it like those; I think I would know her embroidered skirt if I saw it: she had a small black valise like that shown; that is the same bag. [Skirt shown.] I never saw this, but I recognized the piece shown the other day as that I saw her wear.

MRS. SARAH LAKE, recalled.—I re-examined. I recollect what kind of a trunk Mrs. Clark had; she had two—one was larger than the other; both common black trunks; she had a black bag of some description with the large trunk, (trunk shown.) The large one is just such a trunk as this: the small trunk is the same make as the one she had. [Bag shown.] This is the same kind of a bag I saw Mrs. Clark have in my house; I saw some of the contents of her trunk; I saw a blue dress, a parasol, I could not tell the color; she wore a white skirt with insertion on its edge, when she was at my place, I can show a piece of insertion like it, she crocheted it for me while she was there, [dress shown] that is the very dress that I saw her have at my place; [skirt shown] the insertion in the skirt is the same as the piece she done for me. She wore that skirt while at my place, [parasol shown] I cannot say that is the parasol but it is like it; she had a dark parasol in her trunk; the child had a white cotton skirt with the same crochett work on it as on Mrs. Clark's skirt, [child's skirt shown] I saw that on Mrs. Clark's child when at my house.

The Inquest then adjourned until 24 o'clock.

AFTERNOON, 24 O'CLOCK.

MRS. REBECCA ANN OLIVE, recalled.—I re-examined. I can recognize the worked underskirt of my sister, it was worked the same as the lower part of the one I now have on; I have brought another skirt with work on it like that on here;



(skirt produced) that is the skirt from which I drew the pattern, (skirt from trunk shown and compared with that worn by witness, the work was the same at the bottom, with Insertion above, but where that of witness was worked between the insertion that of her sister was plain cotton as described by her. A long delay now ensued, arising from inability to get the trunk open, and many bunches of keys were handed up before one was found to fit the lock; at last one was found and the skirt was taken out.) *Witness*—This is the same pattern I drew for her, and nobody but my sister worked it; no one can want further evidence than that this skirt belonged to my sister; it corresponds in every way with my own, and there is no doubt in the world but it was worked by Sarah Margaret Vail. I never saw the child except from the window of my house across my father's lot, and cannot identify any of its clothing. I have brought a piece of work the same as I drew for her drawers bottom. After drawing the pattern for her, and she had made it up, I saw it hanging on the clothes line. I drew another pattern of a skirt for her, and the fragment shown is the same. In working the drawers bottoms she would not take the trouble to work the small holes round the bottoms nicely, and I know her work by that. My sister had a likeness of my brother. [Tiny photo shown.] That is a likeness of my eldest brother, who is now in Minnesota. [Photographs shown.] One is Mrs. Crear, one is my father's sister, and her husband, David Nickerson, and the other I do not know. [Piece of hair in ring case shown.] That is my poor old father's hair: you see it was red when I last saw it, and now it is white. *MRS. PHILEAS JANE CREAR*, you see (re-examined.) My sister did not have those trunks when I left home. My sister had a blue Coburg dress, with white buttons. [Dress shown.] Yes, sir, so help me God, that is the dress I bought for her at John Armstrong's with the money John Munroe gave her. The buttons are the same. I have no doubt that is my sister's dress. It was made by Mrs. Cynthia Dykeman. I would know her under skirt. It had crocheted insertion on the breadth. [Skirt shown.] That is the embroidery she did in my house, and I drew it for her off her own pattern. My sister set up the pattern for the drawers. Sarah Margaret Vail. She had one pair of drawers worked with a compass pattern, and another pair with the crocheted insertion on them. [Drawers

shown.] So help my God that is the same insertion that was worked for her drawers, by herself. Those are her drawers, this is the new unbleached cotton that was got for them, and she bleached them on the grass. When she cut them out, she cut me two pair also; these are the buttons also. I have some of father's hair at home. [Hair in box shown.] I know that box; it is the box which had the finger ring in which John Munroe gave to my sister, and said he gave four dollars for it. That is my poor father's hair. I cut it off his temple with my own hands, and divided it with my sister. [Likeness shown] that is my oldest brother Jacob Vail, who is now in Minnesota. [Photographs shown] that is my own; this is aunt Margaret Nickerson and her husband who is in Canada. It is hardly necessary to ask who that is: it is John Munroe the murderer who ruined my sister and then murdered her; how could he do so. He [John Munroe] brought it to my sister, in Mr. Trainer's house, at Blue Rock. I am positive he brought it, for I asked him for one at the same time, and he promised to give me one. That is the same photograph. She had no other. I would know the child's dress, it was light brown. I got the material in John Armstrong's. It was made up for my sister first. When she went in black for my father, and her child was born, (the child's name was Ella May Munroe), I helped her to rip that dress up, to make two for her little child. [Child's dress shown.] That is the same dress, like the one shown in Court the other day. There is nothing truer on earth, than that is my sister's child's dress. [Another dress shown.] I can't say positive about this. I don't know that I ever saw the child have is on. The child had two white bleached cotton skirts with narrow crocheted insertion around the neck and sleeves. [Skirts shown.] She had two with the same pattern of crochet as this. Don't recollect what kind of a hat the child had. When I was home with her, it had a pair of blue and white stockings. [Buttons shown.] I never saw her have any buttons like that. My sister had a parol. I bought it; it was a very dark brown. [Parol shown.] It looks darker than the one I bought for her. I am not positive that this is the same; the handle is exactly like her's. She had a kind of a funny shaped scent bottle; I should know it. [Bottle shown.] Yes, that bottle came out of Dr. Harding's yard. My little daughter, Mary Ellarboth, was over there playing, and she picked it

up and put it in her sister's hands. I am sworn. I am C. About ordered and C. Munroe Wm. Office: of Police He and I c better self might had bet He said tell him said "he Carleton many a she had by her times the sons for cord am not to sc she had He said little tour from the on pleasu think he and she told her he said he tlemen, an that Miss not want to keep on board; she got ne where the wanted to was but a she expect going to pass for a went to the said he American to see her, seen the pe next day he she still ha ed. She John again leave the ne

up and brought it home, and washed it. I put it on my mantle piece to keep. My sister took the bottle from me, and kept it herself.

CAPT. FRANCIS S. JONES

sworn. I belong to the Parish of Portland; am Chief of Police of the Parish of Portland. About the 21st of September last, I was ordered by the Coroner, Attorney General, and Chief of Police to go and get John Munroe. I got him in Mr. Craik's, Prince Wm. street. We went to the City Police Office; after that we retired to the Chief of Police's Room, off the office, up stairs. He undertook to explain the affair to us, and I cautioned him, and told him he had better not; as the Chief of Police or myself might be called on the stand, and he had better be cautious what he said to us. He said what he would tell us he would tell himself if he was put on the stand. He said "he was introduced to this girl first in Carleton; that he had went to see the girl many a time, and she had a child. He said she had some property that was left to her by her father; and she had told him several times that she would sell it; that her reasons for selling it was on account of discord among the family; that he advised her not to sell it. He had ascertained that she had sold it to a man named Littlehale. He said last Fall he was going away on a little tour to Boston with some gentlemen from the city, partly on business and partly on pleasure; that the day before he left (I think he said Sunday) he went to see her, and she insisted on going with him; he told her not, and on her asking the reason, he said he was going along with some gentlemen, and did not want her to go with him. That Miss Vail told him then that she did not want him to have any care of her, only to keep an eye to her and her trunks while on board; she did go in the boat, and when she got near, or in Boston, she asked him where the Commercial Hotel was, as she wanted to go there. He told her that it was but a second class hotel. She told him she expected to meet a man there, who was going to marry her. She was going to pass for a widow woman. He said she went to the Commercial Hotel, I think he said he and his company went to the American House. The next day he went to see her, and she told him she had not seen the person she expected to see. The next day he went to see her again, and she still had not seen the man she expected. She said she would go back to St. John again. He told her that he would leave the next morning for New York, and

that he was coming back by rail, that he would not go down by boat. When he got back to Portland he saw her there, on her way back. He said while on the way to St. John it blow very hard, and he did not see her but once on deck till they got to St. John; she then asked him to get a coach for her. On going to the hotel she asked him how far it was to Collins's, as she wanted to go out there. He told her it was from twelve to fifteen miles, and he promised to drive her out. He said he did drive her out; it was muddy weather, and they did not stop at Bunker's. After they drove out a piece on the road to Collins's, he took her, and the child out of the coach, and they walked on, and sent the coach back to Bunker's. After they got on a piece she went ahead, and after awhile came back again and said the parties were not at home she expected to see. Him and her then walked back to Bunker's, and took the coach and came home; that the understanding between him and her was that they should go out again; they did go out a second time. He turned the coachman back again about the same place. He said that in coming back the first time she complained about going back to the Brunswick house, as she was afraid her people would ascertain she was there, and she did not like the conduct of Mrs. Lordly. He named two or three other hotels, and he thought she selected the Union Hotel, in Union Street. He left her there. The second time they went out he turned the coach back at the same place he did the first time. She walked on ahead again. She came back and told him the parties were home that she wanted to see, that they would bring her in on Monday, and for him to see about her trunks for Monday's boat. He spoke to the coachman about taking her trunks down to the steamboat, and the coachman promised to do so; that when he saw the coachman there he had not brought them, but promised to go back for them then. He said the trunks were brought, and that he only just had time to shake hands with her, and that was all, and that he had not seen her since. He said about six weeks ago Mr. Craik told him that he had seen his girl in St. John, but he did not know whether it was the case or not. That was all he volunteered to say; he did not say who the child belonged to; I understood that Mr. Craik was the man who kept the place where I found him on Prince William Street; he did not say at what house

the woman stopped, but that she said she was going to stay till Monday.

This closed the evidence.

The Coroner told the Jury this was all the evidence he had to offer. If it was necessary he would read it to them, if not, he would give it into their possession. It was their duty to say who the parties were whose remains were found; if they came to their death by foul means, and if so, by whose hand the deed was done. The Jury only required the evidence and letters handed to them, and they retired at five o'clock.

After an absence of about three quarters of an hour, the Jury returned the following verdict:

"That the remains found were those of Sarah Margaret Vail, and that she came to her death by a pistol shot fired by the hand of John A. Munroe, on the 31st day of October, 1868. A second verdict in writing recounted that they had also found a verdict of Willful Murder against John A. Munroe for the murder of Ella May Munroe, infant child of Sarah Margaret Vail."

The Coroner then made out his warrants committing John A. Munroe to the care of the Sheriff for safe keeping till set free by due course of law.

### Examination before the Police Magistrate.

On Tuesday, October 6th, a preliminary examination was commenced before H. T. Gilbert, E.-q., Police Magistrate, which was continued from day to day until the 11th, at which nearly all the witnesses who had testified at the Inquest were examined by the Magistrate and required to enter into recognizance to appear at the Supreme Court. During the investigation the following additional testimony was elicited:

**SILVESTER E. EARLE**, sworn. I am a medical practitioner of St. John and also Coroner for the City and County of St. John. I have made an inquiry into the death of certain parties. Information was given to me that remains were lying at Loch Lomond, and I went out there and took possession of them. William Douglas showed me where the remains were. The first thing we saw was a skull, base down. Near by was a rock; apparently about a foot above the level of the moss; there were some portions of human bones lying there, and portions of a female's

to have been partially covered, as they lay close by the rock; it was covered with small tough and small, dry, dead grass, with no bark upon them; there was also a quantity of moss covering a portion of a collar-bone and portions of dress some six inches below the moss; I have no doubt they had been disturbed before I got there. From the appearance of the bones it was evident the remains had been eaten by wild animals. The remains were those of an adult human being and also of a child; from the dress and hair I have no doubt the adult was a woman. I made no particular examination, but ordered Powers, the Constable, to gather up the remains and take them to the city. I directed Dr. Christie to take the skull and examine it—the skull is that shown. A trunk came into my possession from Captain Chisholm, Agent of the International Steamship Company—that produced in it. I opened the large trunk and found another one inside of it; there was also a small bag fastened by a check to the handle of the large trunk; check produced—"706 New England"—is it. The trunks with their contents have been in my possession since they were handed to me. From all the signs I saw on the ground I think the remains had been covered; I also saw where the branches had been cut from the standing tree, the cuts on which corresponded with those covering the remains. I know Robert T. Worden, the coachman. I heard a statement from him and took him out to see if he could describe the place where he had left the woman and child. There were several jurymen going out, but they were kept back so that no horses or waggoners should be seen near the spot where the remains were found. I drove on, the Chief of Police and I on the front seat, and Worden behind. We drove out on the Black River Road about half a mile from the Loch Lomond Road, and a mile or so from Bunker's. I thought I would drive Worden past the spot, but when I came to about four rods from the spot where we turn off he said, "We are near the spot—just by that pool of water is where I put them out of my coach." That was just about abreast of where the remains lay about 160 feet back from the road. I have no doubt from the hair and clothing found there that the remains were those of a woman and child. I have examined the skull, and have no doubt but the hole in it was caused by a pistol shot, and I believe death resulted by the bullet entering the brain of the woman. When I saw the remains I was convinced that they had lain there from the fall previous. I was led to that conclusion by the state of the brush, the clothing and the bones. I made the remark at the time that they must have laid there since last fall. I know the prisoner, John A. Munroe; he called to see me during the investigation. I was holding on the remains; he made a statement to me voluntarily, without an inducement being held out by me for him to do so; he was a free man at the time, but came to my office with William Hann, the City Grand Juror, and said himself

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into the back office while Roop stayed in the front office. It was the day I took Worden out to the place, about the 10th of September. He then asked me if I was ready to take him; I told him I was not prepared; he said things looked very black against him; I replied that they did—that I had just got in from the Black River Road. He told me about the Vail girl in Carleton and her child; he told me it was she and her child he took out under the assumed name of Mrs. Clark, and that she wished to make it appear that she was a widow; there was a person out there would marry her, or words to that effect; he thought he was a painter from St. John. The reason for stopping the coach where he did was for fear this person might see her in his company, and he might not like it. He watched her till she walked down past Collins' road. I said, "She did not go into Collins', for I have just come from there." No, he said, he watched her till she passed Collins' road; he said after that she came back and said she did not see the party and so they came back into St. John and went to Lake's. She left Mrs. Lordly's because Mrs. L. suspected something, and she did not like to go back there; she did not go back to Lordly's, but stopped at Lake's, who keeps the Union Hotel. He told me before that she wanted him to take her out in a wagon, but he did not wish to be seen in her company, and therefore he took her out in a coach. The second time they went out they stopped at the same place, and had the coach sent back for the same reasons; after they got out she left him and went ahead with her child; after a time she returned to him and said she was not coming in that night; she had seen the persons and they would drive her in on Sunday afternoon or Monday morning in time for the American steamer; he was to have her trunks taken down to the American steamer on Monday morning, which he did; they were late coming, the last bell was ringing, and he had just time to get them on board the boat and get on himself, and just had time to slip the checks in her hand and say good bye. I advised him at once to send for her, and I thought it was the only thing he could do. He said he did not think he could find her, and he had seen Mr. Thomson, who had advised him not to do so, or words to that effect. I told him I did not see how Mr. Thomson could give him such advice as that, as if she was in New York or Boston there would be no difficulty in finding her, or if she died there a certificate to that effect could be easily produced. He said he did not want a warrant to issue but would give himself up, and come round to my office again about dusk. These statements were all made voluntarily, as I stated before, without my having sent for him. I was present in the Police Office when he was taken before the Police Magistrate, Captain Jones was there. I remember the Magistrate cautioned him, and told him not to make any statements to anyone, but to say what he had to say to his Counsel. That was at the time the Magistrate directed the Chief of Police to take charge of

him till morning. The Chief of Police of the city was present at the time.

PHILEAS JANE O'BRIEN, 134 1/2

when called, was urged by the Magistrate to refrain, if possible, from the exhibition of any feeling against the prisoner, as it was a case in which they were all interested, and it was their duty to conduct it as in view of a hereafter. Witness replied it was a hard case, but she wanted justice done. In going over the family, she stated that her father's name was John and her mother's name Mary, both dead. The first piece witness saw Munroe was at a picnic on McCarthy's grounds, in Carleton, four years ago. She and her sister stayed on the ground till five o'clock. As they came away Munroe and another gentleman were behind them. Her sister took a stone and said she could not hit the tree in front of them. Munroe came up and said, "I bet you a quarter you can't strike the tree." I made the same reply to him, but I did not hit the tree. Munroe, with my sister and I, came down the road off the grounds together. He walked with me to my house, at Mr. Kphraim's; my sister asked him to come in, but he said he had not time, as he wanted to catch the boat. She told him to come in again and he did so. He thought I was not a married woman any more than she was; he thought we were two girls keeping house alone; I went to the bureau drawer and got my marriage certificate and I showed it to him. He said, "I know you now—you are married to Crear in town." He said he was acquainted with him. So I left them in my front room together, while I went out to get tea for my husband. When I went into the room my sister said, "I must go home;" Munroe said, "I must go also." Both went out together; I watched them till they turned down Rowley's Hill. I did not see them together till the following week, when they came to my house on Monday together; they went away together long after dark as they did before. I saw him again at my house on the next Sunday, when he came there to take tea; my sister was there. He denied being a married man, but said it was his brother George who was married. I told him he was a married man; he only laughed at me. He used to come backwards and forwards to the house, and he and my sister used to meet each other out walking. They kept on thus till father died, on the 16th December, 1867. I then went to stay with my sister, Sarah Margaret. Munroe used to come in and out of there. One Saturday he came in while I was there, while I was scrubbing; my sister was sitting alongside of the cooking stove; she began to jaw him about how he had seduced her, and he went over to her and sat her on his lap. I told him he must want a load; he said he could hold four or five the same way. She kept on crying. At this time she was in the family way. He said to her, "Maggie, if I get some poison, will you go and poison my wife?" I raised myself on my knees and said, "John Munroe, the day may come when I may



have to fetter this against you." I said it in fun, not thinking it would ever come to this, or that I should be called on to do it. About a week or a fortnight after he came back again. My sister was sitting in my father's front room. Munroe and I were standing there. She was making a great time about her father being dead, and said she had no friends left her. He said, "Aint I a friend to you?" "No," said she, "you aint—go home to your wife and child." "Maagie," said he, "if I get some poison, will you go and poison my wife for me?" She told him she would have nothing to do with it—to go and do it himself. We all then came out of the front room together. He did not stop long in the kitchen, but went away. I did not see him but once again till the child was born. Witness here proceeded to recapitulate her evidence as to the rupture of the child, and the making of the truss out of a leaden bullet. She continued: Three weeks after the child was born Munroe came to the house. I had the child in my arms, and I said, "John, how do you like your child?" He said, "It is a pretty little thing, it looks like its mother." He went into the room where my sister was, but what passed I do not know. I have gone on several occasions to Munroe to get money to defray the expenses attending the child. On one occasion he said he had no money, but would bring some over; he did not come, but sent a boy with a note and three dollars in it. I could not read writing, but I heard it read. Money came on several occasions, and once I got a letter from the Post Office with five dollars in it for her. Mrs. Croar stated that on the first night of her arrival she told the Coroner of the request Munroe made to her sister to poison his wife, but did not say anything about it at the inquest, because she was not asked as to any conversations she had heard between Munroe and her sister, and did not wish to state anything but in answer to what she was asked.

ABRAHAM W. CHAFF,

sworn. I was born in Carleton, but I reside in St. John. I have been keeping public house in the city. I know the prisoner, John A. Munroe. I have seen Sarah Margaret Vall, but was not well acquainted with her. I know her father very well. About eight weeks ago, I should judge, Mr. Munroe came into 118 Prince William Street, and in joking with him I said I saw a lady enquiring for him. He asked me who it was, and I said it was Margaret or Miss Vall, of Carleton, I do not remember which. He asked me where she was stopping. I told him I did not know. On the day of his arrest, Munroe came in with Robert Bustin, prisoner's brother George, and William Roop. Munroe asked me if I had seen Miss Vall either five or six weeks ago—the time I was telling him before—and I told him I did not,—it was only a joke, for I had not seen her, but said it hearing that Munroe used to go there. Munroe then said he had to give himself up to the Coroner at six o'clock. I then said I would go to Carleton and see her, friends, with whom I was acquainted, and be back in time enough; prisoner did not acqui-

esce, but Robert Bustin and George Munroe did, and got me a horse and carriage to go. I do not know who the man was who drove me. I made enquiry among her friends and returned about seven o'clock, but Munroe was then arrested. I had not been able to gain any clue to her, but some parties said they thought they had seen her. I asked Munroe if he had ever been out to where the bodies were found with that woman, and he said he had been once within half or three quarters of a mile of the place with Miss Vall. Nothing more was said.

After the evidence was closed on the part of the Crown, it was read over to the prisoner by Mr. Charles Chandler, Clerk of the Court. The Magistrate then briefly summed up the evidence as presented to him. It was clear that a murder had been committed. A number of colored people in berrying on the plains came upon the remains, which by some means had become exposed; information is sent to the authorities, and on examination a skull is found with a bullet hole in it. It might be said that the woman had gone to this spot, and after murdering her child had driven a pistol shot into her own brain, but from the evidence it was clear that a hand had been there after the deed was committed—the bodies had been covered with moss and brush, the latter cut from the trees near by. The next question was, who was the person murdered? He thought the evidence most clear on that point, and even the prisoner himself must acknowledge that it could be no other than Sarah Margaret Vall. Her identification was most complete, even to the clothes she wore. Then who committed the deed? Here the testimony was equally strong, pointing directly to the prisoner, the statement he himself had made tending not a little to confirm the suspicions existing against him. But he had stated that he saw her after the visit, that she came to the boat, and he had just time to bid her good by and give her the check for her trunk which he had caused to be removed from the hotel. The Magistrate had caused the strictest enquiry to be made in the neighborhood of the murder, to see if the statement of the prisoner could be corroborated, but it was clearly shown that such woman and child had not been any of the houses nor seen in the neighborhood, the trunks had come back from Boston, but it brought no news of the woman, and every circumstance pointed so strongly to the prisoner that the Magistrate could not do otherwise than commit him for trial. It pained him sorrow to see him in such a position, and he trusted that he would yet be able to show his innocence. Yet he should remember that he was mortal, and if indeed an innocent man should pray earnestly that a merciful Providence would so graciously dispose events that the dark cloud hanging over him might be dispelled.

The Magistrate was visibly affected during his remarks to the prisoner, who, at their close, was handed over to the Sheriff for the Supreme Court.

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been prejudiced by these newspapers, and, although on this account, he felt how small a chance there was of a fair trial, yet he would now make the motion, and ask his Honor to tell the Reporters present that if they published daily the proceedings, before the close of the trial, he would commit them for contempt of Court. [Mr. Thomson read authorities, and an affidavit of the prisoner that he thought such publication would prejudice the mind of the public, and endanger his defence, and stating that he believed he could clearly establish his innocence.] These cases abundantly testify that such is the law of the land, and I ask your Honor to lay down that doctrine; and that those gentlemen, while they may report, shall not publish their reports until after the trial.

ALLAN, J.—If I was satisfied that I had the power to grant the order, I would do so at once. I must have the power to enforce that order. I am not clear that I have the power to bring those parties who violate such an order before the Court, and order their punishment and imprisonment. I shall be sorry if the prisoner should be prejudiced in his defence, and I do desire that they shall not do so, but I am not satisfied that I can enforce the order. I should be happy to make the order if I had the power to enforce it. I do make an order prohibiting any comments or remarks concerning the case while it is proceeding. I feel I have that power and will enforce.

Mr. THOMSON.—Then I take exception to, but do not challenge, the array; I simply object that it is irregular.

ATTORNEY GENERAL.—I must require the objections to be stated, that my attention may be called to them. I do not wish any more than the learned counsel to report to technicalities, but in a case of this kind, some order must be observed. I, therefore, make this statement now that the counsel may understand it.

[The full panel was then called over, and John Chaloner, Dudne Breeze, Carson Flood, Oscar D. Wetmore, Robert Marshall, Edwin Frost, Thomas H. Hanington, William H. Thorne, Samuel McGirr, William Magee, James Logan, John Armstrong, Charles D. Hanford, Joseph Allison, John Kinshear, George F. Keane, George F. Thompson, and

Isaac F. Burpee, were reported absent.]

THE CLERK TO THE PRISONER.—These good men are they who shall pass between you and our Sovereign Lady the Queen, and if you would challenge them or either of them, you must do so before they are sworn.

JOSEPH MAHER called.

Mr. THOMSON.—I challenge Mr. Maher for cause—that he has made up his mind and expressed an opinion, and I am quite willing to take the Juror's word.

ALLAN, J.—You cannot put the Juror any question at this time. The question must be tried out in the usual way.

W. H. TYSON and C. E. BURNHAM were appointed triers, who were sworn to try whether Maher was an indifferent Juror, &c. &c.

Mr. MAHER being sworn, replied to Mr. THOMSON.—"I have expressed an opinion several times, that the evidence I have already read in the newspapers was such that; if there was no rebutting evidence, he was guilty. This was the result of reading the newspapers, and to that extent it had been prejudicial to the prisoner." To ATTORNEY GENERAL.—"I think I can give a fair and candid opinion from what I hear on this trial, notwithstanding all I read in the newspapers." After citing authorities by the Crown, and short addresses by Counsel, and charge by the Judge, the triers found that Mr. Maher was perfectly competent, and stands indifferent between the parties.

Mr. THOMSON now challenged peremptorily, and Mr. Maher was thereupon ordered to stand aside.

Mr. DAVID MACLELLAN was called; and there being no objection.

THE CLERK TO THE PRISONER.—"Prisoner look upon the Juror.—Juror look upon the Prisoner. (To the Juror.)—You shall well and truly try and true deliverance make between our Sovereign Lady the Queen, and the Prisoner, whom you shall have in charge, and a true verdict give according to the evidence. So help you God." Mr. Maclellan then took his seat in the box.

Mr. CHARLES WILSON was next called, and Mr. Thomson challenged for cause again, and Messrs. Tyson, Burnham and Maclellan were sworn as triers. Substantially the same questions and answers were given as before, and the same course

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pursued, when the Trier found Mr. Will-  
son indifferent, whereupon Mr. Thomson  
challenged him *peremptorily*, and he was  
thereupon ordered to stand aside.

Mr. THOMAS DALE, challenged for the  
same cause, and Mr. Dale having answer-  
ed substantially as the other Juror, and  
that he felt perfectly satisfied that if the  
evidence was different, or any rebutting  
evidence was offered, he should be only  
heartily glad if able to acquit the prison-  
er.

Mr. THOMSON—I do not care to press  
the challenge.  
ALLAN J.—I cannot withdraw it from  
the Trier—they must settle the question.  
The triers found him perfectly indiffer-  
ent, and Mr. THOMSON challenged *per-*  
*emptorily*, and Mr. DALE was ordered to  
stand aside.

DAVID S. ROBERTS, challenged for cause.  
Mr. THOMSON—I challenge for cause.  
But I do not wish to go through the form,  
if your Honor will allow me simply to  
ask Mr. Roberts to stand aside.

ALLAN J.—If you challenge for cause  
I must take the proper course.

Mr. THOMSON—Well, I withdraw this  
challenge.

[Mr. Roberts was sworn, in the same  
manner as Mr. Maclellan, and took his  
seat as a juror.]

Mr. THOMAS LOGAN was called and  
challenged for cause. Two jurors having  
been sworn now, Mr. Burnham and Tyson  
were discharged as triers, and the jurors  
sworn, Messrs. Maclellan and Roberts,  
were sworn to act.

Mr. Logan was ex-  
amined by Mr. Thomson, and answered  
substantially as the others, adding, that  
he is perfectly unprejudiced and prepared  
to try the case fairly. The Judge charged  
and the triers found him indifferent, when  
he was challenged *peremptorily* by Mr.  
Thomson.

JOHN O. EDWARDS was challenged *per-*  
*emptorily*, without cause by Mr. Thomson,  
and directed to stand aside.

THOMAS MCCORMAN called, said—I do  
not think I ought to serve on this Jury.  
I have made up my mind and it cannot  
be altered.

ALLAN J.—If that is the case the  
Juror is not competent. (Stands aside.)

CHARLES S. SHAW was called, and  
after some delay was sworn.

GEORGE QUINN, challenged for cause,

said: "My opinions are very decided—  
my mind is pretty well made up as to the  
guilt of Mr. Munroe." To the ATTORNEY  
GENERAL: "I think it would have an in-  
fluence upon my judgment."

The Trier found the Juror not indif-  
ferent and the challenge was allowed, and  
the Juror dismissed.

JAMES DAVIS, called, unchallenged,  
and sworn.

CYPRIN E. GODARD, challenged for  
same cause, but prayed to be exempted  
on the ground of illness, and was excused  
accordingly.

JOHN MORRISON called, and on the  
grounds of illness in his family was per-  
mitted to stand aside, but only for the  
present, liable to be called, if the panel  
became exhausted.

LUKE STEWART asked exemption, as  
being a member of the Grand Jury of the  
County Court, but the Judge declined,  
and being unchallenged, was sworn.

JAMES MILLIGAN asked to be excused  
on the ground of illness in his family,  
stands aside for the present.

GILBERT MURDOCH challenged by the  
Crown.

WILLIAM PETERS challenged *peremp-*  
*torily* by the Prisoner.

HENRY BOND, challenged for cause,  
said: "I have often expressed an opinion  
from what I have read, but I am perfectly  
able to give a verdict according to what  
I shall hear, not what I have heard." We  
often express an opinion on what we hear  
or see." The Trier found him indiffer-  
ent, but he was then challenged *peremp-*  
*torily*.

JOSEPH W. BARNES, after some delay,  
was unchallenged and sworn.

ASA D. BLAKESLEE, challenged for  
cause, said—I have expressed no opinion,  
except to say that I was afraid Munroe  
was in a tight place, but I feel free to sit  
on the Jury, as I form no opinion until  
I have heard both sides. The triers  
found him "indifferent," but Mr. Blakes-  
lee was then challenged *peremptorily*, and  
stood down.

GEORGE H. WHITING, called, unchal-  
lenged, and sworn.

SHADRACH HOLLY, unchallenged, said,  
—"I have expressed a pretty strong  
opinion, and would rather not sit."

ALLAN J.—I have no doubt you  
would rather not sit, but are you so con-



firmed in your views, that you believe you cannot give an honest verdict."

**JUROR.**—"My mind is strongly prejudiced against the prisoner."

**ALLAN, J.**—"Then I think you should not serve." Stand aside."

**GEORGE N. ROBINSON**, challenged for same cause—said, "I have spoken pretty strongly, and I think I am somewhat prejudiced against the prisoner, but I think I could not be an honest juror."

**ALLAN, J.**—"I think where a man admits he has a strong prejudice against a prisoner, he is not competent, and should not sit on the jury."

The Trier found Mr. Robinson "not indifferent," and he stood aside.

**DAVID MAGNUS**—Judging from what I saw in the papers, I formed a strong opinion, and thought it an unparalleled case; but I speak from what I saw in the papers, and I am sure my mind is not in any way prejudiced. The Trier found him indifferent, but he was thereupon challenged peremptorily and stood aside.

**MAGNUS SABISTON**, unchallenged, said Your Honor I have formed a very strong opinion in this wise. I think, if those were not the remains of Sarah Margaret Vail found at Bunker's, there is an end of all evidence of identity; and although the main facts may be altered a little by slight disparities, still I think the evidence is cumulative, and my opinions are strong.

**ALLAN, J.**—"If I understand you, you are prejudiced against the prisoner."

**JUROR.**—"I don't think facts can be altered."

**ALLAN, J.**—"I think you ought to stand aside."

Court took recess till 2 o'clock.

2 O'CLOCK, P. M.

In answer to His Honor, the Attorney General said he was ready to go on with the trial. Clerk called James Holly, absent. Called Peter Chisholm, stated that he had expressed an opinion on several occasions in this case; in answer to the Judge said he considered he could sit as a juror, and give a verdict according to the evidence which might be given hereafter. Challenged by Mr. Thompson, for cause.

**PETER CHISHOLM**, sworn (examined by Mr. Thomson) says: He has very

strong convictions against prisoner on the report which has already been circulated.

Cross examined by **ATTORNEY GENERAL**—"I have no prejudice against prisoner."

Re-examined by Mr. **THOMSON**—"I fear I would be influenced by evidence already given, and might be prejudiced thereby."

Trier's verdict, "not indifferent."

**JOHN CHALONER**, sworn—Said he had expressed an opinion. In answer to His Honor he said he considered it would require a great amount of contra-evidence to change the opinion already formed. Ordered to stand aside for present.

**JAMES MILLIGAN** excused by affidavit satisfactory to the Judge.

Messrs. Carson Flood, O. D. Wetmore, Robert Marshall, Edwin Frost, and Chas. L. Richards called, but were absent.

**THOMAS HANINGTON** was excused on a certificate from Dr. Earle.

**WM. H. THORNE** and **SAMUEL MCGINN** called—absent.

**JOHN WINTER** excused, being over 60 years of age.

**JAMES LOGAN** sworn.

**John Armstrong**, **Charles U. Hanford**, **Joseph Allison**, **John Kinnear**, **George F. Keane**, **George F. Thompson**, and **Isaac F. Burpee**, called—absent.

The panel was now exhausted, and the Sheriff was ordered by the Attorney General to call three Talemens.

**ALEXANDER DUFF** called and sworn.

**JOHN DOHERTY** called, challenged for cause, said, to Mr. Thomson, "I have expressed an opinion; I have no personal prejudice against the prisoner, but as far as the report of the case thus far is concerned, I have been prejudiced; I cannot say I would be as free to act as a juror as though I had not read the reports." The Trier found Mr. Doherty incompetent.

**Edwin Frost**, in answer to His Honor, said: I am already so prejudiced by what I have heard in this case, as to be unqualified to give a free and impartial verdict—discharged.

**AMOS FALES**, challenged for cause, said, I have not expressed a very strong opinion. I have said if the evidence remained intact, it would go very hard with

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the prisoner. I think I can give as free and impartial a verdict as a juror on this cause as any man in the Court House. Challenge withdrawn and Amos Fales sworn.

GEORGE FRASER sworn.

This completed the full panel of Jurors. The following are the names of those chosen:

### JURORS.

1. David Maclellen.
2. David S. Roberts.
3. C. S. Shaw.
4. James Davis.
5. John Morrison.
6. Luke Stewart.
7. Joseph W. Barnes.
8. Geo. H. Whiting.
9. James Logan.
10. Alex. Duff.
11. Amos Fales.
12. Geo. Fraser.

The Clerk then read the Indictment, charging the prisoner with the murder of Sarah Margaret Vail, and stated that upon that Indictment the prisoner had been arraigned, and pleaded "Not guilty."

W. H. Tuck, Esq., then opened the case for the crown, nearly as follows:

*Your Honor and Gentlemen of the Jury:* The prisoner at the bar is charged with the murder of Sarah Margaret Vail. Murder has been defined by Mr. Russell to be the wilfully and maliciously killing of any person with malice aforethought. John A. Munroe, who has been charged with this offence, is a young man who has occupied a high and respectable position in the community. When we consider the position which the prisoner has occupied, the case becomes all the more important. We must consider, first, whether the remains found were those of Sarah Margaret Vail; and second, whether John A. Munroe was the murderer. I will review the facts as they have already appeared. About three months ago, when Prince Arthur was visiting our city, a number of coloured persons were herrying near the Lock Lomond Road about half a mile beyond Bunker's, and found the remains referred to; these persons kept the matter a secret until about a week after the remains were found, and

the fact then being communicated to the authorities, Calvin Powers and Coroner Earle, visited the scene, and found the remains, skull, &c. Afterwards others visited the place and found other articles. About two weeks after it was rumored that a woman had, about a year before, lodged at the hotel kept by Mr. Lordly, known as the Brunswick House, registered by the name of Mrs. Clarke and child. About a week after she was taken from the Brunswick House by one Worden, and afterwards was taken by Worden and prisoner to Lock Lomond, but did not return to the Brunswick House, asserting that she (Mrs. Clark) did not like the place, and enquired of Worden where they might get a good hotel to stop in. The Union Hotel was recommended, and the woman and child were left there; and her trunks, by Munroe's directions, were taken from the Brunswick House to the Union Hotel. On the Saturday following Munroe engaged Worden to take the woman and child to the same place again. They went to the same place on the Lock Lomond Road, where the prisoner, Mrs. Clarke and child were left. Munroe returned in about half an hour after to Bunker's, in apparently an excited state of mind, and hurried Worden away without his dinner; got a drink of brandy at Bunker's, and in paying the bill, instead of paying one dollar, gave, through mistake, two dollars. On the Monday morning following, John A. Munroe was at the boat; Worden met him there and was ordered to bring to the boat the trunks belonging to Mrs. Clarke; the trunks were brought, but were returned in October of the present year. In referring to identifying the remains, Mr. T. spoke of the teeth, the skull, clothing and piece of lead which had been sewed in the bandage. There was no doubt but the remains were those of Sarah Margaret Vail and child. When the skull is produced to you you will see on the left temple a circular aperture, which medical men, by their examination, have attested was made by a pistol bullet. The trunk was put on board the boat on the Monday morning before mentioned, but no one called for it. This trunk will be produced in Court here, and will be identified as

being the trunk of Sarah Margaret Vall, or Mrs. Clarke. It is a solemn and important duty you have to perform. It is true the testimony will be circumstantial, but we find by the books that most of the convictions in criminal cases are from circumstantial evidence. Mr. Tuck offered to read a report of a similar case, but was objected to by Mr. Thompson. The Judge was willing that it should be read, but Mr. Tuck did not wish to throw any matter into the trial of the case which would not be fair. He had no doubt the Jury would do their duty—a duty which they owed to themselves and the community.

The first witness called was

MARTHA THOMPSON,

colored, sworn: I live at Loch Lomond; am twelve years old; recollect about being out berrying there last fall; recollect of finding bones there; it was about three months ago. George Diggs, Henry Brandy, Isaac Gables, Prince Fowler, Margaret Jane Thompson, my sister, Caroline Thompson, my sister, Mary Needham, Jemima Lane, and Susan Lane, were there with me. We were picking berries, and found a skull and some clothing. I found them beside the Black River Road, on the side, next the Quasco Road, on the left hand side going out; did not see any other bones but a skull; there wasn't much clothing; don't think I could tell the skull again if I saw it. My sisters were with me. I didn't touch the remains. George Diggs took a stick and turned up the skull—it was lying face down; saw the teeth; didn't see Douglas again; have not seen the remains since.

Cross examined by Mr. Thompson—Have passed by the place often; I did not smell anything when I found them. There are two roads; I think it was about a quarter of a mile from the fingerboard, near the Black River Road; could not see the road for the bushes; it was a kind of a mossy place, don't know whether it was swampy or not. B.u.berries grow all around.

Re-examined by the ATTORNEY GENERAL—Can't tell how far it was from the road, but think it was about a quarter of a mile from the finger board. Had not

been berrying right at the same place that season before.

CAROLINE THOMPSON,

sworn;—(Examined by Mr. Tuck).—My name is Caroline Thompson; I live at Mr. Foster's, Golden Street; don't know rightly how old I am, lived at Mr. Geo. Sparrow's last August; was out to Loch Lomond about the middle of August picking berries between the Black River Road and Loch Lomond; my sister Martha was on ahead of us, and she cried out, "Oh! see here, what I have found." It was a skull and two other bones. Diggs took a stick and turned the skull over; it wasn't far from the road; I would know the skull and clothing if I should see them again; we were picking blue berries; I saw a child's grey waterproof and some white clothing; it looked like the bottom of a skirt—this was embroidered; kind of a reddish woolen soting, it was faded with the weather; a small child's shoe, a blue yarn sock was into the shoe.

HIS HONOR—How large was the shoe

WITNESS—(Measuring her hand)—The shoe was about as long as my fingers.

I saw, besides this, some dark clothing, but didn't notice what; saw a small bunch of hair, near the edge of the moss. The hair was light, it was only a little way from the skull, which was lying upon a little knoll; there was a big flat rock, it was bare; the clothes were only a little way off from it; it was a kind of a swamp; couldn't see the Black River Road for the bushes. We went in from the Black River Road, when we went there; it was about a quarter of a mile from the forks and about half a mile from Bunkers', I saw a woman's skirt there too; there was some brush lying partly across some of the clothing. It was about the second week in August. I live about two miles away from the place; it was about a quarter of a mile from the Quasco Road, but only a short distance from the Black River Road. Henry Brandy was with us, there was brush lying across some of the things and I moved it away, nobody touched any of the remains only George Diggs, when he turned the skull over; the hair was under the moss, so I could only see a little of it; it was spruce brush lying over the things; there were spruce bushes growing around. I think I would know the remains if I should

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see them again. (Trunk containing remains was brought into Court. [Skull produced.] That is the same skull we found out there. [Child's Waterproof produced.] That's the waterproof we found. [Sontag shown.] That's the sontag. [Hoop skirt produced.] That's the hoop skirt. I wasn't there afterwards when Mr. Douglas was there; that was the first time I was out there that season. I had been there once before a good while ago. [Shoe and Stocking produced.] That's the shoe and stocking we found.

Cross-examined by Mr. THOMPSON: I hadn't been on that spot before, that I know of; in wet weather it was wet, but in dry, not very. At this place the two roads were about a quarter of a mile apart; the leaves of the trees would prevent one from seeing the Quaco Road; the place was down in a little hollow. I stayed in the plains about an hour and picked berries, but didn't stop only a few minutes where the remains were.

Ques.—Wasn't the skull polished when it was shown at the Coroner's inquest? Ans.—Yes.

Q.—Can you say that is the same skull which you saw on the plains? No answer.

Q.—Wasn't the skull you saw out there black. A.—Yes, but this looked like it any way.

Q.—Don't you understand my question? A.—Yes.

Q.—Why don't you answer them? No answer.

(His Honor ordered the witness to be seated, and endeavored to get an answer, but without effect.)

Re-examined by ATTORNEY GENERAL. The skull don't look like it did out there, it is cleaner. I knew it looked like the same skull by the teeth.

Cross-examined again by Mr. THOMPSON:

Q.—Can you swear it is the same skull you saw out there? No answer.

(His Honor ordered witness to retire.)

GEORGE DIGGS, colored, sworn: I was out there berrying when some remains were found; it was about the first of the autumn. Martha Ann Thompson found them; the Thompson girls went away from us on the plains; we were sitting down on the ground and the Thompson girls

went on ahead of us; heard them halloo; I went to where they were, and they showed us what they had found. I took a stick and turned over the head. There was a rock there; the skull was only a little distance from the rock; it was a little way from the hair. There was a woollen sontag there; wouldn't like to say I would know it. [Sontag shown.] That looks like what we found out there. I saw a child's shoe with a sock in it too. [Shoe shown.] That looks like it. The place where these things were found was on the left hand side of the road, a considerable distance from the Black River Road; there were bushes between the place and the road. I did not take particular notice whether we could see any person passing along the road. Henry Brandy was with us; we did not remain hardly any time at the place, but threw the stick down and walked away. I hadn't been to that place before. [Skull shown.] That looks like the skull found. The moss covered the shoe; I put a stick down in the moss just a little way and rooted up the shoe. Don't know whether I would know the hoop skirt. [Skirt produced.] That looks like the same. The bush laying across the hoop skirt was spruce. Didn't do anything with the remains, but we all concluded we would not say anything about it.

Cross-examined by Mr. THOMPSON—From the place where the remains were found we couldn't see the two roads, but we didn't look. Can't say how far it was to the Quaco Road—quite close to the Black River Road, though. We didn't stay no time at the place. I wouldn't swear that the things shown were the same things found there; there were snags and sticks lying across the remains; it was swampy around the rock; there was moss, but no wet.

SAMUEL HENRY BRANDY, colored, sworn: I live at Willow Grove, at Lake Lomond; I can't tell exactly how old I am, but think about sixteen. On Black River Road we were berrying. It was between the Black River Road, about a quarter of a mile from the forks. I saw some bones and pieces of clothing, saw a skull and a hoop skirt. I went and pulled a small tree or brush off it—the branches were dry and the leaves off. It was quite dry there, but mossy. There was some hair lying there, too; wouldn't like to swear to

any of the things. It was near four o'clock in the afternoon, and we went home. Saw Douglas the next Sunday. I think it was Tuesday when we found the things. I went with Douglas the next day, Monday. Mr. Charlton, Crozier, and Hunter went with us; I showed them the things; they seemed to be lying just the same as they were before. We pulled up a bunch of hair done up in a waterfell; didn't do anything with the things, only Mr. Crozier pulled the hoop skirt out of the moss; there was a rock a little away from it with no moss on; the hair was brown; I think it was a part of the same hair which I saw there the first day; don't think I would know the hair if I should see it again.

Cross-examined by Mr. Thomson—I live about three miles from Mr. Bunker's, to the left of the Quaco Road; I never was on that place before, was about a quarter of a mile away from the place; hadn't been there in two years before; the place is situated between two roads, the Quaco and Black River Roads; I don't know whether you could see the road from the spot or not; there were sticks like bushes laying across the remains; they were quite dry; can't say whether they had been laying there for years or not. [Sticks produced.] I didn't see them at all.

MARGARET JANE THOMPSON,

colored, sworn:—I live at Loch Lomond, I was brought up there; I was out berrying there about three months ago; George Diggs, (naming the others) were with us; it was between the Black River and Quaco Roads; don't know exactly how far it was from the fingerboard—about half a mile; found a skull bone there; George Diggs with a stick turned the skull over; didn't see anything in it; saw some clothes and a hoop skirt, but don't think I would know them, we didn't stay any time; there was little bushes over the hoop skirt and a big bush over them; wasn't there with Mr. Douglas; was never in that place before.

Cross-examined by Mr. Thompson.—None of us took particular notice of the things; we all went away together; I did not take any particular notice of the things, as I did not go quite as close as the others.

[The Attorney General asked to call George Diggs again to identify the brush which was found over the remains.]

Attorney General.—Did you see the brush which was over the hoop skirt?

Witness—[brush being produced]—that

looks like it, but there was more, and some was bigger.

Cross-examined by Mr. Thomson.—I won't swear that that brush looks like it; some were white, like what would be pulled up out of the marsh.

ISAIAH GABELS

coloured, sworn. [Examined by Mr. Tuck.] I live at Loch Lomond; am about seventeen or eighteen years of age; I was berrying out there between the Black River and Quaco Roads the last of August. I saw a skull there, and some more bones; I saw a big rock there, and some old clothes; a hoop skirt, sontag, kind of red and gray; and some hair. I think George Diggs took a stick and turned the skull over. I did not go very close, and would not like to say that I could tell them again. I don't think I ever was in that same spot before; was not near there within a year. It was further from the Quaco than the Black River Road. I went with Mr. Wm. Douglas to show him the place. I think it was Tuesday we found the things; I think it was Monday following, Mr. Douglas, Brandy, and most of the girls, and a good many others went to the place. The girls who went with us were Mimy Lane, Sarah Lane, Mary Needham and a good many others, we went to the same place where we found the things before. Brandy and I led the way. The things appeared to be in the same place where we found them. Could not swear to things.

Cross examined by Mr. Thompson: I live a good ways from the place, I don't travel the Black River Road much, but do the other. I never smelled any thing there before; there was a good many of us went to see them with Douglas; we all left together; didn't disturb any of the remains. When I saw the hoop skirt there was no brush over the things; it is quite near the Black River Road; a person couldn't see the road from the place very well, for the trees. The roads are quite a step apart; I think about a quarter or half a mile.

Court adjourned till 10 a. m. to-morrow.

WEDNESDAY MORNING, Dec. 8.

Proclamation was made by the Clerk, and the Sheriff ordered to bring in the prisoner. In the meantime the Jurors were called and answered to their names.

Prisoner, accompanied by one of the city marshals, entered, and took his place in the dock, looking, as usual, quite calm and collected.

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JOHN C. WELTON, sworn.

*Examined by Attorney General.*

My occupation is land surveyor. On the 9th and 10th of November I went to Loch Lomond; Dr. Earle, the Coroner, accompanied me, and pointed out a certain place where he said certain remains were found. [Objected by Mr. Thomson, —about the remains ordered to be struck out.] I made a survey of which this [producing a plan of survey on parchment.] I measured from the North-West corner of Bunker's house, and found it 1 chain of 66 feet and 57 links to the road; from that to the forks or finger-board it was 23 chains and 20 links; Black River and Quaco Roads join here. The right is the Black River Road and the left the Quaco. There was a place pointed out to me by Dr. Earle, as the place where Worden stopped with his horses, 46 chains and 57 links; here was a pool of water. I measured from that pool, in the centre of the road, to Collins' private road; it was 67 chains and 68 links; from the cross road to the Collins' road is 1 chain and 30 links; from Collins' private road to his house is 11 chains and 50 links. Collins' house is on the left hand side of the road; Woods' house is further on, on the right hand side, about 16 rods. The next house is Moore's, nearly half a mile from the private road. It is 3 chains and 42 links from the pool of water to where the little pathway leads in to where a rock lies. I measured in an easterly course first; then measured south east, 1 chain and 30 links; then I came to a small foot path, I measured from that north 94 links, direct to the stone 60 links. The whole course from the pool to the rock was 2 chains and 84 links; in a straight course it would be 2 chains. The rock was weather worn, white. From this rock to the place Dr. Earle pointed out where the skull laid was 8 feet in an easterly direction. It was 11 feet 9 inches from the rock where Dr. Earle pointed as the place where the remains of an infant were found. There were some spruce trees pointed out; one of these was 33 feet 4 inches from the rock, the other 34 feet; trees stood 9 feet 6 inches apart. Along the pathway in to the rock it was 3 chains and 5 links. Between the rock and the road there is a scrubby growth of trees and some alders.

I put the man who was with me on the rock, that I might get the bearing from the road, but couldn't see him; he had to hold up dead wood, and I took the bearings by that. The best chance to see the spot from the road is further out—I can't say how far. What I mean to say is that the underwood is thicker all around than at this spot. The place where Doctor Earle said the skull of the infant was found was 30 feet from it; it was with the other remains. The two spruce trees were on the west of the rock, between the road and rock. [His Honor—How high were they?] A.—About 15 feet. I think it is about half a mile from one road to the other at this point.

Cross-examined by Mr. THOMSON.—Will you swear that you could not see a man on the rock from a point on the road directly opposite? A.—I think I could not. I can't swear that those paths were not paths made by persons visiting the place out of curiosity. It was about 112 feet from a point on the road opposite the rock to the path leading to Collins'.

Q.—The Quaco Road is on rather higher ground than the Black River Road is it not? A.—I cannot say.

Q.—Did you not see the Quaco Road from the rock? A.—I did not; on the right of the Black River Road the woods are very dense; along close by the road a little further in towards the fingerboard it was rather clear, a kind of scrubby cariboo growth.

Q.—If a person were going to commit a murder, don't you think he would choose rather the dense wood on the right of the Black River Road than the other? A.—I think he would. It was not very wet near the rock. When I was there the ground was frozen. Some little distance past the rock, there is thick woods—that is along the road towards Collins'. Between the forks and the rock there are patches of very thick spruce, particularly on the north-east of the rock, towards the forks.

*By His Honor:*

Q.—Is it a clear spot around the rock? A.—It is a kind of barren. The trees around are alders and spruces; the land is all poor. There is no house between this spot and Bunker's, or between it and Collins'.



**MARY JANE NEEDHAM,** (coloured,) sworn.—My name is Mary Jane Needham, not Thompson; I live at Willow Grove; am 18 years of age. I was out to Loch Lomond about 3 months ago berrying; it was about four or five rods from the Black River Road; I saw a skull, hoop skirt, some clothing, child's shoe and sock, and sontag; saw a big flat rock there; Martha Ann Thompson saw the remains first. The skull wasn't more than a rod from the rock; the hair was most all covered with moss, the hair was on the side of the rock away from the road; the clothing was a little way from the rock and was close together. There was a spruce bush laying across where the remains were lying; there were some rib bones too; the bones were lying on the inside of the rock towards the Quaco Road; there was only one bush with any branches on it; it was about five feet long; this was laying over the remains; it was about as far from the rock as from me to you [Mr. Tuck—about 10 feet.] George Diggs turned the skull over with a stick; there was hair on it; the hair was light, done up in a waterfall. I do not know whether I would know all the things or not. [Hair produced.] That looks like the hair. It was all done up in a waterfall. [Hoop skirt produced.] That looks like the same we saw there. [Skull produced.] The skull and the teeth of the skull look like the same as we saw out there. [Shoe and sock produced.] They look like the same; we did not disturb the things, but left them as we found them; we went right away. I never was in that spot before. It was on Tuesday we found the remains; the next Monday we went with Wm. Douglas to the spot. Brandy pointed them out; they were just in the same condition as when we first found them. We found more of the hair; Mary Corby took a stick and pulled it all up; it was partly under the moss near the rock. We left the things just as we found them. The remains were on the side of the rock towards the Quaco road. The child's shoe was under the moss too, near the other remains.

*Cross-examined by Mr. Thomson:*

We only stopped a little while after we found the remains. It was a wet,

mossy place; but not wet enough to wet our feet. There were berries all around; it was close to the Black River Road; do not know whether we could see the road or not; would not swear that that is the same skull—it looks like it; the hair looks like the same.

*Re-examined by Attorney General:*

The skull looks cleaner than it did when we found it, and the top is off of it now. We only staid a little while after we found the remains. The hair was close to the rock.

*Re-examined by Mr. Thomson:*

The bones and hair were all on the side towards the Quaco Road—hair nearest the rock.

*Re-examined by Attorney General:*

It was mossy around, but not very wet; I did not see any water.

**PRINCE FOWLER, (colored) sworn.**

*Examined by Mr. Tuck:*

I live at Willow Grove; do not know how old I am; it was summer when I and Diggs and others were out near the Black River Road berrying; saw a skull bone, some clothing, a sontag and some hair; saw a rock there; the skull was about as far from me to there from it. [Witness pointing towards the clerk's desk, a distance of about eight feet.] The remains were on the side next to the Black River Road; there was a bush over the hair. I do not know how long we stopped; did not touch the things; picked a few berries and then went home. Never was there before. I could not swear to any of the things.

*Cross-examined by Mr. Thomson:*

The place was not very wet, it was kind of damp; did not wet my feet. There were some bushes around. Never was there before.

**JEMIMA LANE, colored, sworn.**

*Examined by Mr. Tuck:*

I live at Loch Lomond; am 16 years old. Was near the Black River Road, picking berries; do not remember what time of the year it was, only it was this summer. Saw a skull, some other bones, looked like big bones—and some hair; the hair was a kind of brown, and looked like a woman's; saw a little child's shoe, with a stocking setting up in it; the skull was nearer towards the Black River

Road, sticking bones together lying other no time Brand Diggs I went with M where and C Corby us. Do the rem disturb touchin not rem than I the Qu was dan wet. the Qu Cross Am q side of Road; about th the skull rock. Black Ri Re-exa The re Black Ri colored, Live a Black Ri Monday Douglas, by the B bones th pieces of sticking ing up it up with my hand, should th me to the five feet.) the Black from the ery bushe not see an shown.]

Road, the hair was close to the rock, sticking up out of the moss; the big bones and the skull were lying close together; there was one long spruce bush lying over the remains. Did not see any other bushes over the bones. Was there no time after we saw the things. Henry Brandy lifted the long bush off, and Geo. Diggs pulled the shoe out of the moss. I went out there on the next Monday with Mr. William Douglass to show him where the remains were. Mr. Crozier and Charlton, Henry Brandy, Richard Corbyn, and Esau Lane (my father,) with us. Do not remember any others. Found the remains lying in the same place, undisturbed. Do not remember of any one touching them. Saw a song, but do not remember of seeing anything more than I did the first day. We went from the Quasco Road down to the place. It was damp ground, but didn't get my feet wet. Do not know how far it was from the Quasco Road.

*Cross-examined by Mr. Thomson:*

Am quite sure the remains were on the side of the rock next to the Black River Road; remember quite distinctly all about the remains we saw the first day; the skull was just a little way from the rock. Do not know how far it was to the Black River Road.

*Re-examined by the Attorney General:*

The remains were on the side next the Black River Road.

MARY ANN CORBYN, colored, sworn.

*Examined by Mr. Tucker:*

Live at Willow Grove. Have seen the Black River Road. Went there one Monday last summer—went with Mr. Douglas, Mr. Crozier, and others; went by the Black River Road. Saw some bones there, a skull and some other pieces of bone, a child's boot and sock sticking up. Saw some hair sticking up out of the moss. I lifted it up with a stick—did not touch it with my hand. There was a rock there—I should think it was about as far as from me to the chair there, (a distance of about five feet.) The hair was lying towards the Black River Road, nearer the rock than the skull. There were some old dry bushes lying over the things. I did not see any one disturb the things. [Hair shows.] When I saw the hair I think it

was a little darker, but it might be the same. [Shoe produced.] It looks like the same shoe. We did not bring anything away with us. It is a kind of a mossy place. We all came away together.

*Cross-examined by Mr. Thomson:*

Q.—Is't there a cross road from the Quasco to the Black River Road? A.—Yes, there is a kind of a road. There was no path to where the remains lay that I saw. I will answer as far as I am able.

Q.—Did you see the remains lying between the rock and the Black River Road? A.—(after considerable explanation by Mr. Thomson)—Toward the Black River Road: can't say how far it was from the road.

*Re-examined by Attorney General.*

Went in off the Black River road. [By a Juror—the only way witness can explain the matter is by allowing her to draw it out with a piece of chalk.]

ATTORNEY GENERAL.—Could you draw it out on a piece of paper?

I think I can. [Paper furnished but witness thought it was impossible for her to do it for fear of drawing it wrong.]

*Re-examined by Mr. Thompson:*

It was towards Collins' and the Black River Road, that the hair and skull were lying.

WILLIAM DOUGLAS, sworn,

*Examined by Mr. Tucker.*

Live at Willow Grove, about 2½ or 3 miles from Black River Road. On Sabbath evening this fall, 12th September, in consequence of what I had heard, went to Mary Corbyn to get her and Esau Lane, Crozier, Jemima Lane, Henry Brandy and others to accompany me on Monday to see these remains they had found. We came down from the Quasco Road by the Collins' Road to the Black River Road. It was about three quarters of a mile from Collins' Road where we came out to the place on the Black River Road where we turned off to where the remains lay. I didn't see any pathway. I should think it was not over 40 yards from the main road to where the remains were found. There was a rock there; couldn't see a person on the road, but could see its course, couldn't see the Quasco Road. Saw some bones, a skull and hair sticking out of some moss. Mary Corbyn took a stick and pulled up

a bunch of hair, all braided, then she stuck the stick down again in the same place and turned up a part of a bonnet, I turned over the skull and out of it ran brains and stuff, making a great smell. There was a little shoe, there too, and a stocking in it; there was some kind of corruption in it, which, when the shoe was turned over, ran out, making a bad smell. There was another bone lying a short distance off. The skull was lying about 16 feet from the rock towards the Quaco Road. About 4 or 5 feet from the rock there were other bones, and about 3 rods from the rock, towards the Black River Road, there was another bone. The hair was near the rock, not over two feet from it, where her head had laid, and the feet further on towards the Quaco Road. The hoop skirt was on the southern side of the rock, towards the Black River Road. The sontag was lying towards the westward, and north about 10 feet, and Berlin hood a few feet further on in the same direction. It appeared that the body had lain about North and South; with the head near the rock towards the South. [Hair produced.]— 'That is the identical hair. [Skull produced.] That is the same skull, only the top is off it. [Other articles produced.] That is the same shoe and stocking. Looks like the same hoop skirt. That looks like the same sontag. [Child's hood produced.] That is the same that I thought was the child's hood. I could not identify the other bones as I did not mark them, but I marked the skull. (Identified the bone which lay a short distance away.) There was brush over the remains; the ground was quite dry around where they were. The day the Coroner was there his horse and mine were standing by the road, but I could see them from the rock. The remains were lying in the same position as they were when I first saw them. On Monday, the first time I visited the remains, I met Miss Sarah Collins there; then when we were coming away the same time we met Miss Collins again, about half way down to Collins'. Mrs. Porter was with her; they went back with us to see the remains. Miss Collins did not find anything there, she only looked at the remains just as I saw. Did not remain there more than ten or fifteen

minutes the last time. I went home then to send in word to St. John, but the stage had left. On Wednesday morning I took my carriage to come in to inform the Police Magistrate. I met Mr. Powers and the Coroner (Dr. Earle) who were on their way out. Mr. Bunker went out with us. They gathered up the remains and brought them away with them. They were these same remains. I have travelled over that ground quite often years before. The roads are about half a mile apart. Had not been there that season before; was there once by the Coroner's direction, to make further discoveries, but did not.

*Cross-examined by Mr. Thomson:*

It is a short half mile from the point on Black River Road to the Quaco Road; I have frequently passed through the barren; there is some thick woods and some barren on the right hand side of the Black River Road. On the left hand side, going from Bunker's before you come to the rock, there are some thickets of bushes. There was no path from the road to the rock. I do not think I could see a carriage on the road at the end of the pathway from the rock, there was no water when I was there, but if rain came the ground being low it would hold water; I never have been there after the rain.

Q.—Now, Mr. Douglas, many of the colored witnesses swore that the skull lay between the rock and the Black River Road. Did they or did they not? A.— They did not. The hair and skull laid on the side of the rock towards the Quaco Road. Her feet would have lain towards the South, parallel with the Black River Road. If it were a wet time the body would be lying in a pool of water. When I heard of the matter I gave the alarm as I have stated. When I went there, there were brush and moss covered over the remains, those look like the brush. By the direction of the coroner I cut the limbs off a tree which stood near, and fitted them on to the brush. I can not identify the brush. That is a piece I cut off the tree. I could not look straight across to the Quaco Road and see it. I came along back and forward between the Quaco Road and the rock, looking for the foxes' den, but couldn't see the road.

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Can not tell whether I could see the road later in the season.

By His HONOR.—Where were these fox holes you speak of. Ans.—Towards the Quaco Road.

*Re-examined by Attorney General:*

I cut those pieces off the trees which stood about 30 feet, and gave them to Mr. Powers to fit on to the brush found. Those are the same as I cut off. I saw Powers and the Coroner fit these pieces on the bushes, and they fitted.

His HONOR.—Can you show me by the plan where you found the single bone.

Ans.—Yes, sir. About thirty feet from the rock, [showing by the plan.]

ROBERT T. WORDEN, sworn.

*Examined by Mr. Tuck.*

I am a coachman; have been driving the summer in St. John. Was driving in 1868. Know the prisoner at the bar: have been slightly acquainted with him three or four years. He employed me on King Street, in this city, in 1868, in the fall, just before the Commercial Bank failed: it was the first of the week he asked me what I would charge to drive a lady and child to Collins'. I told him I did not care about going. He said it did not matter what the charge was, as it did not come out of his. I then told him it would be worth five dollars. He said for me to drive to the Brunswick House, there was a lady there—a friend's wife—who he had to see out to Collins'. He told me to go there and enquire for a lady by the name of Mrs. Clark. I did so, and she said she would be ready soon. Munroe was in the coach. In about five minutes she came down. She had a child with her. I took the child to be about a year old. She carried it down in her arms and got in the coach with it. Munroe remained in the coach. We started for Loch Lomond. There was nothing said to me further. He (Munroe) told me to go to Collins', that it was about a mile and a half or two miles past Bunker's on the Black River Road. I went up King-street, and down Brussels street. It was about ten o'clock in the morning before we got to Bunker's. About half a mile this side he told me that they would get out of the coach and walk after they got down the road a piece. After we had got down the Black River

Road, about half a mile beyond the forks of the road—I remember the finger board, one said "the Black River Road," and the other "the Quaco Road,"—then he (Munroe) said for me to stop, and they would get out and walk. He took the child, and the lady and he got out. He said Collins' was near by, and they would as leave walk. There was no water there then. He said he would walk back to Bunker's, and for me to go there and feed. He said Collins' were friends of hers, and there was where they were going. They walked on down, and I turned back. She (Mrs. Clarke) was carrying the child. The woman had on a black dress: don't recollect about the rest of her dress or the child's. I went back to Bunker's, put up my horses, and ordered dinner. I think I drove at the rate of five or six miles an hour: it did not take me over ten minutes to come. I had been there about an hour and a half, and had my dinner, when Munroe came back. He asked me if I was ready to return to town; I said yes. He said the folks were not at home whom Mrs. Clarke wished to see, and they would have to come back another day. He paid me \$5 there. We got ready and started for St. John. I paid Bunker. I did not see that they took anything to eat at Bunker's. It was about two o'clock. On the way in he said to me that I need not drive to the Brunswick House again, as Mrs. Clarke and Lordly did not agree. I said I could take her to the Union Hotel. He said that would be handy for me to take her to the boat on Thursday morning. I drove her to Mr. Lake's, Union Hotel. Munroe sat inside; she and the child got out there and Munroe got out at the Bell Tower, and he told me to go to Lordly's and get her trunk. Munroe left me there and I went and got the trunk—it was quite a large black trunk. I forgot the bag—a leather bag—which was with it, and sent a boy down for it in the evening and he got it. There were two strips running across the trunk on the top. [Trunk shown.] It was a trunk like that. [Bag shown.] It was a bag like that. I took them to Mr. Lake's. Mrs. Clarke was a very good looking woman; I think about 20 years of age or a little over. Recollect her hair was a little lightish. I did not see Munroe again



until Saturday. I carried the trunk out of Lordly's myself; there appeared to be something heavy inside of the trunk, which moved. When I saw Munroe on Saturday following, it was on King street about 9 o'clock in the morning. He said he wanted me to go the same trip again. I told him I would be ready. It was a damp, foggy day, after a heavy rain. I was at Lake's about 11 o'clock in the morning, when he met me there according to appointment. The lady came down dressed much as on the former occasion; she had no luggage with her that I saw, only the child. Munroe was in the coach. She and the child got into the coach again with Munroe. I do not recollect of him speaking to me from the time we started until we got to the same place on the Black River Road where we had stopped before. He said for me to stop, and they would walk down as before. I stopped and let them out. He told me to go back and feed, and he would soon be back again. I went back to Bunkers'. I turned, looked back, and saw them walking along the road—she was carrying the child. They were on opposite sides of the road from each other. The road was muddy: I was about as long driving back as before. I met persons after I passed the finger-board. I met no one either time on the Black River Road, either going or returning. I ordered my dinner at Bunkers'. Had been there about three-quarters of an hour. It was before one o'clock when I got there. He came about half-past one. He said the folks are home whom Mrs. Clarke wished to see, and they are going to bring her in, in time for the boat on Monday morning. He asked me then if I were ready to go. I told him that I had ordered my dinner. He said he would rather pay for my dinner than have me wait. He wanted to get in town. I asked young Bunker how long before dinner would be ready; he said it would be ready in a few minutes. Mr. Munroe said, "I will pay for your dinner; it does not make any difference, and we will go." I got my horses fixed up, and he paid me there. I told him it was worth six dollars, it being right after a rain; he gave me two Commercial Bank pound notes, and I gave him back a two dollar bill, and about 75 cents in change, and Munroe

paid my bill; do not know what it was. He went into the bar to pay Bunker. Munroe was sweating, said it was a hard walk; he was wiping his forehead; did not observe anything else wrong. I was not inside when Munroe was there. I was harnessing my horses while he was in. It was not more than from 5 to 10 minutes till we were ready. As we came along he showed me where he used to live, about a mile or two miles this side of Bunkers'. Didn't know the old Munroe place till he showed me. He said he used to live there. Showed me where the old mill stood. He was inside of the coach. Before we got into town he told me to take Mrs. Clarke's trunks from Lake's to the American boat, on Monday morning, and he would be there to receive them. We were about one and a half hours driving. He said I might let him out on Prince Wm. street, as he had business there. Saw him on Monday morning at the American boat about 7½ in the morning. It was on the north side of the floats, right at the end of the wharf, where they were taking the freight in. He asked me if I had brought the trunk; he spoke to me first as soon as I came there; I told him I did not, but would bring it next time: when I remembered the load I would have I found I could not take the trunk, so I got Hatfield to take it. I asked him (Munroe) if the lady had come in, he said she had. I went for another load of passengers, got a coach full, and had as much baggage as I could get on; don't know what part of the town I got my load, only it was up about this part, among the hotels; it was about a quarter to eight when I got back to the boat; did not see Munroe there, nor did not see him that morning again; have never seen that woman and child since; the last time I saw them was when I left them out of the coach on the Black River road; never done any coaching for Munroe since; had done some for his father before, but never for him; have met Munroe on the street since, but have had no conversation with him.

*Cross-examined by Mr. Thomson:*  
I don't recollect the day of the week I first took him out, only it was early in the

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week. The road was quiet when I turned on both occasions. There were bushes along the road; saw no person on either occasion. On the first occasion they were walking side by side when I looked back. On the second time they were apart, one on each side of the road. I think I could see them about a quarter of a mile on the road from where I left them. I took it to be about half a mile from the place where I turned to the forks. The road was wet and muddy on the second occasion, but the first time it was dry. The first time he paid me five dollars, the last time he paid me two £1 notes, and I gave him the change, so that I received about six dollars if I had paid my own bill. I noticed nothing wrong about the man, he seemed to be friendly with the woman coming in. He did not seem to be excited. He told me he wanted to go into town.

I do not recollect of Munroe telling me, on the last occasion, that he had particular engagements in town that afternoon. When he told me that Mrs. Clarke and Mrs. Lordly did not agree he did not say what hotel I should take her to. On the Monday morning when I saw Munroe at the boat, I did not tell him that I would get somebody else to bring the trunk. Do not remember of any gentlemen calling at Lake's to see Mrs. Clarke while she was there. I saw nothing in Mr. Munroe's demeanor to denote suspicion, he seemed about as usual. I think young Bunker was present when he paid me the two pound notes.

*Re-examined by the Attorney General.*

I was out with Dr. Earle, the Coroner, on a subsequent occasion. I pointed out to Dr. Earle where I had turned the horses when there before. I learned from Mr. Hatfield that he had taken down the trunk, and Munroe had paid him, but I told Hatfield that Munroe had paid me too.

SARAH JANE COLLINS.

*Examined by Mr. Tuck.*  
I live in the Parish of Simonde, on the Black River Road, about a mile and a half from the forks of the road. Our house is a short distance off the road. Have been living there eighteen or nineteen years. No house between ours and Bunker's on the Black River Road. Was living there in October and November of 1869. No wo-

man and child named Clarke came to our house at that time or in that year. I was there myself all the time. I had the sole management of my father's house at that time. Knew no women named Mrs. Clarke or no woman named Vail. Some time in September last, my sister and Miss Porter, Mr. Douglas, Charlton, Crozier and Hunter and myself visited the place where the remains lay. We did not disturb the remains. Saw the baby's cap, tier, shoe, and sock; the sock was inside of the shoe; one of the party took a stick and lifted up the stocking of a grown person, and what seemed to be the bones of the toes rolled out, the stocking was nearly decayed. Mr. Alfred Porter is our nearest neighbor on the road, lives on the right hand side going to Black River. The road from our place to the finger-board has quite a good many bushes. There was a rock near where the remains were; the ground was dry then; we went in through the bushes; there was no path then; and there were leaves on the bushes. Saw the skull; it was a short distance from the rock; the hair was laying near where I saw the stocking, near the rock. [Stocking produced.] That looks like the stocking; saw some brush lying partly on the remains; remained there about five minutes. Had passed along that road quite frequently; had never been in there where the remains were before; saw some other bones there, which looked like rib bones. My father, a little girl named Margaret Davidson and myself composed our family. It would be impossible for any one to have been to our house and I not know it. I did not smell any smell about there. I saw prisoner once before when he was a small boy, at my father's.

*Cross-examined by Mr. Thomson.*

Visited the place where the remains were found three times; visited the place out of curiosity. The place is quite dry and pleasant in summer time, but very wet when rainy. I remember that there was no moss on the rock when I first saw it; there was a difference in the appearance of the rock when I visited the place the second time. Do not think that had the moss been stripped off a year before it would not make a great difference in its appearance. I never perceived any unpleasant smell while passing and repassing the road. I was away from home one day in the first of October, 1868: returned in the evening, and was not

away then until Christmas. There is a thick wood between our house and the place where the remains were; I could not say how far it was from our house to the place.

Mr. Tuck—Your Honor, I would like to ask witness if she could identify the remains. [Skull shown.]

Witness—That looks like the skull; that looks like the hair too, by the way it is braided. [Shoe and sock produced] That looks like the shoe and sock I saw there.

Re-examined by Mr. Thomson:

Q.—Do I understand you to say that looks like the skull you saw out there?  
A.—Yes, it looks like it, with the exception of the top being sawed off.

MARY ANN LORDLY, sworn.

Examined by Mr. Tuck.

I live in Prince William Street, and have been 36 years married. I know John A. Munroe, and he came to my house on a Monday morning. A woman came by a cab on the night of the 23d and 24th (Friday and Saturday) of Oct. 1868, to my house. The bell rang and I went down and there was a woman who had come in the cab. The cabman was of low stature, like a Whaler or a Furlong. The woman had a child in her arms and a black travelling bag. She went upstairs, and I went toward her to help take the child's clothes off. [Mr. Thomson here objected to the witness telling anything about this part of the proceeding.] The woman had on a black dress and a black hat—I don't know whether the hat was of straw or not; she had also a sacque of drab color; the black bag had two handles, one on each side; [bag shown] the bag was just the same as that, and I am sure this is it. The child appeared about ten months old, with what they call a "tow head" or one of flaxen color; the child was not well dressed, neither was the woman; the woman's dress did not probably cost more than twenty-five cents a yard; she had black ribbon around her waist, with ends hanging down her back; she had a fine head of hair, which was in a net on Saturday, but she put it up in a waterfall on Sunday when she did it up. I gave the child some clothes belonging to one which had been left with me before. It had on a sort of brown stuff dress on Saturday night, when I had it in my arms

at the tea table. No other woman or child came to my house on the night she did. On Saturday, between one and two. I went down to see Mr. Munroe, who was in the office. I said, "Is it me, sir, you want to see?" He said no, he wanted to see a woman, named Mrs. Clarke, who had come from the boat, and who, with her child, were in his charge. I went to the dining-room and sent for the woman. She came down and went to see him, and in a few minutes he went away, and in about a quarter of an hour two trunks came. One was a large black one and the other a smaller black one. [Trunks shown.] There is a mark on the large trunk by which I would know it—(examines trunk); that is it—I saw the mark put on the middle flat by his (Munroe's) father, who cut a piece off the flat with his knife and tasted the wood. The other trunk looks like the one the woman took upstairs. The large one remained in the office. It was between two and four o'clock when the trunks came. There was a blue dress with spots on it hanging up in the woman's room; (blue dress shown) that is it—there's the spots. She had an embroidered underskirt; the embroidery was, "compass," or as some call it "wheel work;" (a skirt shown) I never saw that skirt. She had the embroidered skirt on the Monday she left our house; (shreds of embroidery shown) that is very much like what she had on her skirt. I did not see Munroe on Saturday or Sunday. On Monday when a cabman came to the door she was ready to go and had the child ready too. I do not remember the kind of a hood the child had on. Munroe was in the cab with his back toward the horses, and the horses heads were towards Stubbs' Hotel. (Child's sacque shown) that is the sacque the child had on, I should think. The woman went down to the coach to him (Munroe). I did not go to the coach. She came back and paid her bill, and took the child in her arms and gave it to Munroe, who put it on his right knee. (Ribbon shown.) That is the ribbon she had around her. They drove away and I never saw her after. It was then between ten and eleven o'clock. Her hair was a sort of light brown, fixed up in a sort of waterfall on Sunday. (Hair shown.) That, I should say, is very much like her hair. The woman appeared to be about 23 or 24 years of age. She looked as though she was troubled. The cabman who came for her

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on Monday told me that his name was Worden. On the morning the woman went away, she went to the cab and returned to pay me. (Piece of sacque shown.) That looks like a part of the sleeve of a woman's sacque. (Part of dress shown.) That looks like part of the woman's dress—life of poor quality. (Hair shown.) That looks like the little child's hair, and I never saw but one head of hair like it since. The child's hair was pretty straight. [Witness was crying here.] The child had a little dress of what some call cinnamon color; I would know it if I saw it. (Child's dress shown.) That is the color of the dress the child had on, but I don't remember the ruffles around the bottom. I do not think I would remember the dress, only I made her wash the child. It (the child) had also a reddish tier—(tier shown); there is no doubt in my mind that that is the tier. No one but Mr. Munroe called to see the woman while she was at my house. I had only one conversation with Mr. Munroe while she was there, and he never came to my house afterwards.

*Cross-examined by Mr. Thomson:*

Q.—You say you were angry when Mrs. Clarke went away? A.—I was. I saw Mr. Munroe on Monday in the carriage just as plain as I see you; he had his hat on and you hadn't, that's the difference.

Q.—(Showing ribbon)—Is that the ribbon she wore? A.—I am almost positive that that is the ribbon the woman wore.

Q.—Then you are not quite positive? Will you swear positively to this, Mr. A.—I will swear positively to the tier.

Q.—Without a shadow of a doubt? A.—I think it is the same tier.

Q.—What is the reason of your thinking so? A.—Because it was worn in my house, I have not the shadow of a doubt that that dress is the one she had on the child. I do swear to this.

Q.—Then you are not mistaken? A.—I do not retract one word of what I have said.

Q.—Is it not only your opinion? A.—It is not my opinion—it is my belief.

Q.—How do you recognize this dress? A.—Because it was such an inferior piece of stuff. I never saw any of my own or my friends clothing in that state, so I can swear to that dress.

Q.—Do you swear to this sacque of the

child's? A.—I do, most certainly.

Q.—The woman was only two days in your house and yet you can recognize her clothing after a year? A.—Yes, I can, and I can tell you the reason, too, if you will let me.

Q.—Is this black bag the same? A.—I think it is.

Q.—Did you say she had it when she went to the coach? A.—No, sir; if you said so, that's not me.

*Re-examined by the Attorney General:*  
She only took the child to the coach; she had the blue dress with spots on it after the trunk came; I am positive about the blue dress.

The blue dress was again shown witness, who showed how she could identify it by the spots upon it.

Resumed.—It was the larger trunk out of which Munroe's father cut the piece. She (the woman) took all her things with her.

ALBION NEAL,

sworn. I am a baggage master in October and November, 1890. I was baggage master on the Atlantic New England. When baggage is brought down we used to give a duplicate check to the person bringing it and put the other check on the trunk of baggage. The duplicate check had to be brought by the person holding it, and it entitled him to receive the baggage. [Trunk shown.] I remember opening a trunk like that which had a black tag on it. That is our check on the trunk. We usually put the Portland baggage and the Boston baggage separate. The Boston baggage goes on to Boston, and is examined on the way by a customs officer on the boat. We took this trunk and opened it as we usually do. There was another trunk inside of the large one. The small bag here looks like the bag which was attached to the trunk. [Small trunk shown.] That is like the trunk which was inside. There was a parcel between the two trunks. In the small trunk there was a dress which was green, I think; [blue dress shown] that looks like the dress; [skirt shown] that's like the skirt. The baggage remained about three weeks, when it was put away. That is the last I know of the trunk.

*Cross-examined by Mr. Thomson:*  
I was at that time engaged in handling a good deal of baggage. I recognized the trunk again because I detected a rattling inside when I took it first.



*Re-examined by the Attorney General:*

I don't remember who got me to check the trunk; I think it was a man, though.

*Re-examined by Mr. Thomson:*

I did not read the evidence in the newspapers. I was sent here by Mr. Kilby, our agent in Boston. There might have been a dozen or fifteen trunks in the warehouse unclaimed when this was put in. The trunks are examined between Portland and Boston. It is not a frequent occurrence for passengers to go to Portland and leave their baggage on the boat and then go by rail to Boston. I never knew of one instance of such a thing being done. I do not say it could not be done. We should insist on checking no further than the passenger went. We would get to Portland about five or six o'clock in the morning, at that season of the year. There would not be much difficulty in getting baggage there at that time if it was handy.

*Attorney General:* Would you check baggage here for Boston if the owner were going to Portland? A.—We would not.

*JOHN A. TORR, sworn.*

*Examined by Mr. Tuck:*

I was engaged as inspector of U. S. Customs on 2nd November, 1868. I resided at Peabody. I remember examining a trunk as stated by last witness. On the way to Boston across the bay I gave orders to rig up for examining baggage. I commenced examining, and Mr. Sprague, the mate, lifted up a trunk in which there was something which rattled and said, "I guess you've got a prize here." I opened the trunk and found another inside. There was a parcel between the two. On opening the little trunk I saw first a dirty skirt; [skirt shown] that is the same skirt—Mr. Neal was by at the time. I packed it and put it by as examined baggage. I recollect seeing it there for some time after. [Valise shown] that is the valise that was attached to it. I did not examine the valise, for I did not think it worth while. The officers of the line put the trunks in the loft, amongst unclaimed for baggage, and, after a little, it was taken down. Mr. Fletcher was there at the time. I think the hired man took it down. I examined the contents and found them just the same as when I examined them before.

WARREN FLETCHER, sworn.

*Examined by Mr. Tuck:*

I reside in Boston. I am clerk for the International Line; know W. H. Kilby, agent of the Line; I do not know of the trunks coming to Boston, but I remember seeing them afterwards. About the middle of November, 1868, I moved a trunk from the front to the back of the baggage room, [trunk shown] that is the trunk; it remained there until the first week in January, and then we put it in the loft after we had examined it. I next saw it in September last. I then ordered it to be taken down from the loft, and opened the outside trunk and Mr. Torr opened the inside one. The small trunk was put back into the other, and given to Mr. John Hall to bring on to St. John, N. B.

*Cross-examined by Mr. Thomson:*

I have been in the employ of the International Steamship Company for seven years. We sold forty or fifty packages of unclaimed baggage two years ago, which were the accumulation of four years. We may have twenty-five on hand now, the accumulation of two years—most of them of last year. If there was a large number we should sell at the end of the year. We keep the money for which the baggage is sold and deposit it for the benefit of the owners, and we advertise the baggage with checks and description before selling it. It is frequently the case that passengers come from Boston to Portland by rail and let their baggage go on by the boat.

*Re-examined by Attorney General:*

I don't know the proportion of trunks amongst the present baggage unclaimed in Boston.

Q.—How does it come that trunks are left then?

Objected to by Mr. Thomson.

Q.—Is it because the passage of the owner is not paid that the trunks are sometimes left?

Objected to also.

The Attorney General wanted to ask if any other trunk was ever left by a person who had paid their passage.

The question was objected to by Mr. Thomson, because it was immaterial, and the answer would involve things which could not be known to the witness of his own knowledge.

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**JOHN S. HALL.**—A  
sworn. I have been mate of the New York for five years. I brought a trunk on to Captain Chisholm from Boston; [trunk shown] that is the trunk which was delivered to me by Mr. Kilby, our agent in Boston. I was present when an inventory of the contents of the trunk was taken by Captain Chisholm. Dr. Earle was there, and I think the Chief of Police, Mr. Marshall.

**Q.**—Do you know of any trunks being left in Boston when passengers had paid their fare?

Objected to by Mr. Thomson on the same ground as above.

**To His Honor:** I got the trunks from Mr. Kilby on the 29th of October last, and brought them on to Capt. Chisholm next day.

The Court was then adjourned until 10 o'clock Thursday.

**THURSDAY MORNING, Dec. 9th.**

The Court opened at 10 o'clock, and the Jurors answered to their names. The Court room was not quite so crowded as usual, but the apparent eagerness of the spectators had not abated in the least.

**WILLIAM McLELLAN, SWORN.**

**Examined by Mr. Tuck.**  
I live on the Quaco Road, Parish of Simonds, have been living there since the 1st or 2nd of September, about a mile and a half from Bunker's; mine is the first house from Bunker's on the Quaco Road; have been home all the time since living there; no woman and child came to my house in September or October, 1868; never knew a woman and child of the name of Clarke or Vail; do not know the prisoner; never was at the place where the remains have been found.

**Cross-examined by Mr. Thomson:**  
Have heard of the place where these remains have been found; cannot tell the distance through from one road to the other. I recollect that the weather was wet in the latter part of October, 1868; cannot say what date it was, but remember there had been a few inches of snow and frost about that time, and then it thawed again; I could not swear to the date, but I know there was wet weather about the time.

**ALFRED PORTER, SWORN.**

**Examined by Mr. Tuck.**  
I live on the Black River road, about a mile and a half from the Finger Board, near Mr. Collins' place; further out on the right, and side going to Black River. I live about a third of a mile from Collins'—mine is the next house; have lived there about three years; was home most of the time about the last of October, '68. I don't recollect of being away from home at night about that time. Was away to Quaco one Sunday, a little before that. Don't know a woman named Clarke, and her child, or Vail. They never were at my house. I was never at the place where the remains were found, and did not perceive any smell when passing along the road.

**Cross-examined by Mr. Thompson:**

Do not recollect particularly the end of October, 1868; won't swear that I was or was not at home on the last Saturday or Sunday in October, 1868; do not recollect what kind of weather it was at that time.

**Re-examined by Attorney General:**

My family consists of my wife, Mary, and two sons, John and William; the next neighbor to me on the Black River Road is Robert Moore, not far from my house—suppose about quarter of a mile; next is Henry Connolly—his place is about three quarters of a mile; John Connolly next, just a few steps further on; I think William Garnett lives next, and Mrs. Stewart next, and Mr. Darling next. I think he lives about a mile from my place. Ennis lives next, about two and a half or three miles. I should suppose.

**ARTHUR ELOAN, SWORN.**

**Examined by Mr. Tuck.**

I live on the Quaco Road, Willow Grove Settlement, Parish of Simonds; was born there; about half a mile further out than McLellan's. Am generally home. Could not say that I was home in the latter part of October, 1868. Never saw or knew Mrs. Clarke or Mrs. Vail; there was never such a person at our house. Never knew any person of that name to be brought in from there. It is about two and a half miles from Bunker's. Was at the place where the remains were found about three weeks ago. Never saw the

remains. It is about a mile and a half in a straight line from our place to where the remains were found. Saw the rock there. It would be a little over a quarter of a mile from the rock to the Quasco Road. Davidson and a colored man named Hill live near our place. Never heard of a woman and child named Clarke being in that neighborhood. I was home most of the time in October, 1868. If I were away it would only be to a neighbor's house or to St. John.

*Cross-examined by Mr. Thomson.*

Have often been across the barren where the remains were found cross-hunting. It is about quarter of a mile to the Quasco Road. There are thick bushes between the rock and the road. There are small bushes between that and the Quasco Road. I think you can see the Quasco Road in one place. Can't say whether a person passing over the hill on the Quasco road, could see a woman near that rock. Don't remember just the time when the snow came in October of 1868—remember of snow coming though. Hardly remember having stopped away from home at night; remember of being home on Hallow Eve day; was over as far as Mr. McLellan's in the evening, and came home about eight or nine o'clock. The ground around the rock was wet; there was a hill toward the East of the rock, toward the Quasco road. There was a hole about three feet in diameter and five inches deep, with water in it; it was pretty soft around—very wet. I would expect it to be wet around it after every rain.

*Re-examined by Attorney General.*

You could see the knoll on the Quasco road from the rock, and could see a horse or carriage passing.

**TO HIS HONOR.**—It is about half a mile away from the rock, in twelfth Bunker's; there is kind of a scrubby growth between. I suppose if a horse were trotting over this knoll he would be in sight a few seconds.

**MR. McLELLAN RECALLED.**

**TO ATTORNEY GENERAL.**—I recollect of being home on the day and evening of Hallow Eve.

*Cross-examined by Mr. Thomson.*

**Q.**—How do you recollect of being home on that evening?

**A.**—By the children fighting about apples.

**GEORGE BUNKER.**  
*sworn. Examined by Mr. Tuck:*

I live at St. Martins; have been living there about three months; am keeping a confectionary shop there. I am about 24 years old. I was living at Horace Bunker's in October, 1868. He keeps the Ben Lomona House—it is right at the corner of the road leading to the lake. I remember the month of October, 1868. Have seen the prisoner before; saw him at Loeh Lemond last of October, 1868—don't remember the day of the week. Saw a coach pass the house. The coach returned in about twenty minutes. Saw a lady in the coach; knew the driver to be Worden; he put his horses up and got his dinner. In about an hour after Worden came there Munroe and a lady and child came in the yard. Munroe asked Worden if he was ready; he said he was. The lady got into the coach, and Munroe put the child in. The coachman and Munroe had some talk. I heard Munroe say that the lady had not seen the parties she wished to. Worden paid his bill to me. I can't think of anything else that was said, only Munroe engaged the coachman to come out again. He said the lady did not see the parties she wished to see, and they would have to come out again. I don't think it was more than an hour and a quarter after Worden came when Munroe and the lady returned. I don't think Mr. Munroe or the lady were in the house on that occasion—I am sure the lady was not. They drove away towards St. John. Some time the same week I saw the same coach drive by; the coachman nodded to me. It was a damp day and I did not see who was in the coach. I think it was half-past twelve o'clock. Coachman returned alone as before, about the same time after, put his horses up and ordered dinner—he was there about ten minutes before he ordered his dinner. After he had ordered dinner the coachman and I were sitting in the bar-room. I would think it was between 30 and 40 minutes, when Munroe came in; he took off his hat, wiped his forehead and said he had had a hard walk; his face appeared somewhat red, like a man who

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*Cross-examined*

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had been walking fast; he wiped his forehead with his handkerchief; I think he had on a sort of a half beaver; he then asked the coachman if he was ready; the coachman said he had ordered his dinner; Mr. Munroe said he would rather pay for his dinner than have him stop to eat it, as he was in a hurry; the coachman then started to put his horses in; Mr. Munroe then followed him as far as the door, and said I will pay you now; he asked the coachman what his bill was, and he said it is worth six dollars; Mr. Munroe gave the coachman some bills and they made change in some way; I supposed he had given him six dollars, as the coachman said that would do. The coachman then put his horses in. Munroe then came back to the bar-room and asked for a glass of brandy; he poured it out and took it, and asked me what the bill was; I do not know the quantity; I think it was pale brandy. I told him the bill altogether was \$1; he took out a bill, gave it to me and went right out to get into the coach. I heard the coachman ask him where the woman was; I heard him say that Mr. Collins would drive her in to the boat; he did not say what boat; he said on Monday morning. This conversation was before he had the brandy. I do not think I heard anything more said between them. There is no house between Bunker's and Collins'. They drove away from the house after he had got the brandy. I went to put the bill away and found it was a two dollar bill instead of one. I do not recollect the dress of the woman; did not notice any thing remarkable about Munroe when he returned, only he appeared to be warm and excited, and I supposed it to be on account of fast walking. Never have seen the woman or child since; Munroe has not been there since, as I have seen. Was at the place where the remains were found about the time the Coroner's inquest was held, but the remains were not there then; do not recollect of any other persons going out the Black River Road that last day; it was a heavy, misty day.

*Cross-examined by Mr. Thompson:*

It had rained the day before; there had

been a heavy rain and the roads were very muddy. I do not recollect about the time the fall of snow was. The rain would be between the first and second time they were out. If a person should stop out it was so damp that his clothes would be wet. The first day he was out they were away about an hour and a half. He was not as warm the first day when he returned. The last time I don't think he was away more than 40 minutes. I would not swear to any time.

*Q.*—Will you swear positively that it was beyond half an hour?

*A.*—I would not swear positively; there was nothing to attract my attention about his demeanour more than he appeared warm. On the first occasion he told Worden, in his usual manner of speaking, that he wished him to take them back to the same place. I was standing about five feet away. When he returned I did not notice anything remarkable.

*Q.*—Would you think if he had walked a quarter of a mile beyond where the coach stopped, and then returned to Bunker's, it would not be fast walking, if he done it in half an hour.

*A.*—I could not swear; I suppose it would. When he paid me the bill I took it, thinking it was one dollar. I suppose he thought so too. All I heard him say was that Mr. Collins would drive the woman in on Monday. Did not hear him say that they went to Collins'.

*Re-examined by Attorney General:*

I can't say the exact time. I think it was forty minutes from the time Worden returned till Munroe came back on the last occasion. I think it was about three quarters of a mile from Bunker's to where the remains were found. I'm no judge of distance, but I would think it was slow walking to come from the place where the remains were found to Bunker's in thirty minutes. I wouldn't think it would warm any man to take 45 minutes; (that is the time which it took Worden to return,) added to the 40 minutes, to walk in.

*SARAH LAKE, SWORN.*

I am a married woman; my husband, William, Lake, is living; he keeps the Union Hotel, Union street; he is unable to come out, owing to sickness. We



were keeping that house in October, 1868. I remember a woman called Mrs. Clarke coming to my place on Monday afternoon at three o'clock, in the latter part of October—don't know the exact date. Mr. Worden brought her there. She brought her child, but had no luggage at that time. I did not notice any one in the coach at that time. She came in, I showed her a room, and she staid there until the next Saturday following. She stopped in a room by herself in the front part of the house, and took her meals alone in her room; a lady named Mrs. Day was in occasionally. She done some embroidery work for me. She made some under-clothing for the baby. She made some purchases for herself—a skirt of blue tweed with red around the bottom; she brought home a new skeleton, a pair of blue gray stockings, woollen, with white on the tops; she bought a little berlin hood for the child, cannot say what color; I do not remember of any other articles; there was other luggage came in the evening of the same day; there was a large black trunk with strips across the top; the small bag did not come with it, it was brought afterwards; I saw the trunk opened; inside was a small trunk she took that out; there was a parasol in the large one, there was a blue coburg dress in the small one, a white underskirt with crocheted insertion on it, which she wore afterwards while at my house. There was an underskirt for the child with crocheted insertion on it too, and a child's dress of drab coburg. I don't know of anything else she wore. The new dress she wore while at my house. She was a very good looking woman, of good appearance—I should think about 25. The child I should suppose from its appearance was about ten months old; it had some front teeth. I did not see it washed or dressed; did not see it undressed. Did not observe her teeth. I remember her hair was brown—I would not say for certain how she wore it. She was very thinly clad. I did not see any night dress. I would know the trunk as near as I could tell one trunk from another—[trunk shown]; that is a trunk of the same appearance of the one she had while at my house, I saw the parasol; [parasol shown]; that looks just like the one, it was black; she

had a very heavy head of hair. [Skirt shown.] She had that same skirt when she came to my house on Monday afternoon, she wore a black dress. [Child's underskirt shown.] She took that off the child the morning she left. [Blue dress shown.] A dress like that hung up in the room. She put the two little skirts, which she made, on the child when she went away from my house. [Child's coburg dress shown.] It had that on when she came to my house; after she took that off she put on the child a dress of much the same color, with two little ruffles or frills around the bottom. [Child's dress produced with ruffles on the bottom.] That is the dress she put on her child while she was at my house, and the child had it on the morning she went away. She made the child some underclothing out of some of her own; her dress was black coburg, very poor. [Piece of dress shown.] That is just such material as her dress was made of, which she wore when she went away on Saturday morning; that would be a piece off of the bottom of the dress; that is braid, (pointing to braid around the piece,) her dress was bound with black braid like it. She had a dark hat, trimmed with black. [Fragments of underskirt shown.] That looks just like the same, with the same kind of red trimming as was on hers; that is some of the same off the bottom of the skirt. She had on blue gray stockings. [Stocking produced.] That looks like the stockings she wore; she wore white ones a part of the time. I don't remember her saccue. Her hair was middling dark brown, she oiled it well at my house; don't know whether I would know it. [Hair produced.] It appeared be a darker brown, but hers was oiled; she had a very heavy head of hair. There was a gentleman called to see her while at my house; I would not know him now. It was on Thursday, between eight and nine in the morning; she left on Saturday, between ten and eleven o'clock. I did not see the coachman come for her. I saw her last in her room about 10 o'clock. [Sontag shown.] Do not remember the color, but that is the same material—it was Berlin. Do not know who went away with her. I saw the same person on Wednesday afternoon call to see her. I took it to be the same. Do not remember about the child's pinafore, only that it was a pink one. [Pinafore shown.] That is the same color, but I could not say that that is the one; it was calico, and that is of the same ma-

terial. The child's pinafore have had dots like socks. were away. She put before never at 10 o'clock were time.

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terial. I saw her have a pink pinafore on the child on Saturday morning. (Two pianofortes produced—one not faded.) They have both been of the same material. I do not know anything about the shoes or socks. Her trunks and small black bag were taken away from my house on Monday morning. I do not know of her taking away any luggage with her on Saturday. She put the small trunk in the large one before she went away on Saturday. I have never seen her since that Saturday morning at 10 o'clock. Her luggage was taken away on the Monday following, between 7 and 8 o'clock. Mary Black and Maggie Magee were living with me as servants at that time.

*Cross-examined by Mr. Thomson:*

Q.—Mrs. Lake, your feelings are made up very strong against Mr. Munroe? A.—No they are not. I don't think I have expressed my opinions very strong against him. I have not said that I thought him guilty. [Black coburg dress produced]; I swear that that is the same material as the cloth of her dress, which she wore while at my house.

Q.—Do you adhere to your statement that that is the same material of her dress? A.—I swear it is of the same material.

Q.—Do you swear that that is the identical dress which the child wore at your house? A.—I swear that is the dress that child wore while at my house. I didn't mark it.

Q.—Suppose that same dress had been given by Mrs. Clarke to somebody in Saint Andrews three months after that child was at your house, and worn by another child in your house, would you know it? A.—I swear I would.

Q.—How often did you have that child in your arms? A.—I had it my arms a good many times. She was out down town twice. I had charge of her child while she was gone. I was not with the child all the time. It did not wear that dress all the time. I would know that dress if I saw it on any other child.

Mr. Thomson, holding in his hands the remains of the faded tier. Do you swear that has been pink once? A.—I do swear it has. I do not remember whether the gentleman who called on Mrs. Clarke was Munroe or not; it was 8 o'clock on Thursday morning when I saw the gentleman at my house. I have never talked the matter over with Mary Black.

*Re-examined by Attorney General:*

Attorney General, producing the child's

dress—Show us where you find the coarse sewing?

Witness—There is the coarse sewing, and that is the peculiar way, that it was turned up; I swear that is the identical dress.

Attorney General wishes to produce the other dress found in the trunk, to compare with the dress found with the remains, Mr. Thompson objects; the Attorney General does not press the matter. [Faded tier shown.] (To his Honor)—I say that where that is faded, in my opinion, it has been all pink, and the dress which the child had on Saturday morning was all pink.

MARY BLACK, sworn.

*Examined by Mr. Tuck.*

I live at Mr. John McFarlane's, on Queen street. Am single. Lived at Wm. Lake's, Union Hotel, in October, 1868. Left there after Christmas; was there until then. I remember of a woman and child, called Clarke, coming to Lake's near the last of October, 1868. I was up stairs when they came; did not see them come. Tommy Worden brought them; do not know what time of day, only it was in the afternoon. She had two rooms on the second flat. I think the child was about ten or twelve months old. She was a young looking woman. It was in the early part of the week when she came. Did not see any person come with her. Her hair was tea brown; she had a good deal of hair. I did not notice how it was done up. Did not know John A. Munroe (prisoner) until I saw him here. There was one man came to see her while there; do not know who the person was; he came in the evening of Wednesday to see her; no one else called to see her; he saw her inside the front room door, that was one of the rooms she occupied. I did not observe her teeth. She had no luggage when she came; her luggage came after. I do not remember the kind of trunk. She had on a thin black coburg dress and a white skirt embroidered on the bottom; she had on a black straw hat. I don't recollect how it was trimmed. The child had a very dark dress, with one ruffle at the bottom and around the sleeve, had a little grey woollen sacque, steel color; [dress produced] that's the dress I saw on the child the morning she left Mrs. Lake's; it had two ruffles on the bottom; [sacque shown] that's the sacque the child had on the morning it left Mrs. Lake's; did not see the child's hat or skirts; [remains of dress shown] that's the same material, only it is faded, of the dress which the woman had on. I did not observe her stockings. She

left on Saturday morning, between nine and ten o'clock. I don't know of her making any change in the stockings which she wore. Did not see the trunk opened. I was in her room; did not see any clothes hanging up in her room. [Skirt shown] I never saw that skirt; [remains of embroidery shown] that is the same sort of embroidery I saw on her skirt the morning she left Mrs. Lake's hotel. I would know her hair: [hair shown] it is the same style in which she had her hair done up the morning she went away; it is the same color, only a little faded; it was parted each side and divided at the back, and braided and rolled up and pinned in a waterfall on the back of her head, and the front part was combed up off her head and rolled around off her finger; [hair shown again] that is the way this is done up. She had a grey woollen sacque, bound with black braid; [remains of sacque shown] that is the same as I saw her have on the morning she went away. She had a kind of a reddish pink sontag [sontag shown]—one was worn by Mrs. Clarke and the other by the child. Mrs. Clarke had on a sontag on the morning she went away, but I don't know whether the child had one or not. She [Mrs. Clarke] wore a black coburg garibaldi, with kind of long buttons with scars across the top; [buttons shown] those are the same buttons she had on her sacque; [another button shown which was found in the trunk] I think that is the same as the others—there are creases in it the same as in the others. I did not see more than one garibaldi—the garibaldi was black coburg. She bought the garibaldi on Friday evening of the same week, while she was at Lake's. She sewed strings on the baby's sontag while she was there; she had it when she came. I don't know what kind the strings were; it was the little pink sontag which was shown before. I don't know whether those were the strings or not. The child was a girl; I never heard her call it by name. I did not see the child's cap; I did not see it undressed. It wore a bandage with something hard in it, about as big as a half dollar. I saw the bandage, it was made of white cotton. [Bandage shown.] That is like it. I put it on the child and pinned it on the back, but didn't know what it was for. The child wore the bandage on its stomach.

**To His Honor.**—The hard material in the bandage was sewed through, first

one way and then the other.

I didn't see what was in it, and don't know what place this hard substance touched. I think it was Wednesday or Thursday when I put this on. I was present once when the child was washed; it was stripped to the shoulders—that was Friday morning. I gave the child a string of beads, or gave them to Mrs. Clarke for the child; they were unstrung. The child's neck was a little chafed on one side. [Beads shown.] Those are the same kind of beads I gave her. I gave them to Mrs. Clarke for the baby's neck. I washed a white tier, bound with red, for the child the morning she went away. I would know the tier if I saw it. She left on Saturday morning in Tommy Worden's coach. There was a man in the coach. She took nothing with her but the child. I don't know what tier the child had on when it left. It had white hair. [Hair shown.] That is the same hair as I saw on the baby. I don't know what kind the trunks were. [Satchel shown.] She had that with her; that is a satchel or travelling bag. She had it the morning she went away, but I did not see her take anything away but the child. The trunk went away on Monday morning, but I don't know who took them. She crocheted a piece of lace while she was at Mrs. Lake's. I did not take notice what it was like. I have never seen Mrs. Clarke or child since.

**Cross examined by Mr. Thomson:**

There was nothing to cause me to notice Mrs. Clarke's dress more than any of the other boarders. I know the sontag is the same as she had when she went away. I swear that that is so peculiar that I never saw one like it before or since, there was little white and very little black about the border. There was plenty of the same kind of stuff of her dress. I suppose there could be others of the same color; I made no mark on it, and took no more notice of it than of any other of her dresses; I never saw any like it. There are a great many persons wearing the same kind of stuff as her clothes. I got the beads from a lady—I never bought any.

**Q.**—(By Mr. Thomson, showing another string of beads.)—“Will you swear that those are not the same kind of beads?”

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A.—No; the others are a little bit larger, and a little bit darker. I gave the beads to Mrs. Clark on Friday morning. I think, though, it was Saturday morning before she went away. I washed the child's tier, and gave it to Mrs. Clarke, the morning before she went away. I did not notice how the child was dressed. I mean that the dress with the ruffles on it looked like the one the child wore. I've seen quite a good deal of the same material worn by children. Mrs. Clarke's hair was the usual colour. It was nicer and richer than a good many. I have seen some like it, though. I gave her the pins she used in her hair, and stood beside her when she dressed it the last morning. It was the same color of this hair. I do not recollect what day of the week the man called to see her. He came some time early in the week. I cannot tell whether it was Wednesday or Thursday. I swear it was on Wednesday afternoon he called. I do not remember of a man calling on Friday.

Q.—Did you not, in the proceedings before Dr. Earle, swear that a gentleman called on Friday morning? A.—I did swear to it. A gentleman did call on Friday morning, and saw Mrs. Clarke in her room. I have no doubt about it whatever; I could not say whether it was the same person or not. I think it was; I am sure it was the day before she left; it was some time in the morning of the day before Mrs. Clarke went away. I do not recognise the trunk; I thought it was a yellow trunk; I swore before the Coroner that it was a yellow trunk; I only swore to the best of my knowledge; I knew I was wrong next morning when I went home, because I had seen a great many trunks; I swore that I helped a boy down stairs with the trunk.

Re-examined by Attorney General.

I find now I was mistaken about the trunk: I believed at the time it was a yellow trunk. None of the other boarders had two rooms. I was not in her room much. None of the other boarders had children with them at that time but her. I have never seen a sontag like that one she wore before or since, it was by the peculiar colors I recognized it. I remember it was Friday

when the gentleman called to see Mrs. Clarke; I know it was, because it was the morning I had the most sweeping and dusting to do.

JANE M'LARREN, SWORN.

Examined by Mr. Tuck:

I live with Mr. Sullivan, in Carleton. I think I am something like twelve years of age. My father and mother are living at Sand Cove, in the Parish of Lancaster. I knew Sarah Margaret Vail; I lived with her; I think it was the summer before this last she lived in Carleton; no person else was living with her. I could not say whether she was married or not; she had a child—a little girl. I cannot say how old it was. I think I lived with her about two months. The child was born when I went to live there. There was a young man who used to come there quite often.

Mr. Tuck—Look around and see if you can see him.

Witness—To the best of my knowledge there he is in the crib there. He used to come on Sundays, and stay about one hour to the best of my knowledge and belief. He used to go into the front room with Miss Vail, and I would be in the kitchen with the baby. She (Miss Vail) appeared to be a nice girl; she had a kind of light brown hair; she used to wear her hair in a net with a black ribbon around it; she used to wear a black dress, a black straw hat, an embroidered petticoat, a light brown cape. I remember the bottom of her drawers were embroidered. The embroidery was just like a little bag all embroidered. The skirt was white embroidered. I would know it if I should see it. (Skirt shown.) That is very much like it indeed. (Drawers shown.) They seem to be her drawers. (Pieces of embroidery shown.)

Mr. Tuck—"Look at them, Jane, and see if you ever saw them before."

Witness—Those look very much like the drawers she wore when she went away. I remember she had a Garibaldi with black glass buttons, with a little bead through them, up the front. (Buttons shown.) I could almost say those were the very buttons. The dress which she wore was a thin black dress. I could



not say what it was like. I think it was pretty good. (Remains of dress shown.) That is very much like the material. It was brighter and blacker than that. Only for that I could almost say it was the same dress she had on when she went away. She went away in Mr. Littlehale's waggon. It had been raining; it was summer time. I would know her hair if I should see it. Her hair was light brown. (Hair shown.) I could almost say that was her's. It looks very much like it, indeed. She had a good head of hair. It looks very much like the way she wore her hair. I used to take care of the little baby; but don't know how old it was. I disremember how many teeth it had; I think it had some; it used to be troubled with its mouth; the water used to keep running out as if it were getting teeth. The baby had light hair. [Baby's hair shown.] That is very much like the hair, indeed; it was cleaner than that. The baby wore a light brown dress, with a little quilling around the bottom, and it had another dress of the same material, with a flounce around the bottom of it. I could not just say who made them or what they were made from. I saw them on the baby. (Remains of baby's dress shown.) That's very much like the one which had flounces on it; when she went away the baby had a little brown dress, with quilling around the bottom of it; [dress shown] that is the dress the baby wore when she was going away from home with Mr. Littlehale. I have never seen her since, nor the baby. I think the baby had a cotton petticoat. I used to dress the baby. There used to be something hard worn just below its little stomach. I never saw its stomach with the bandage off. It was something like a flannel. I never took particular notice. There was some kind of hard substance in the bandage, about as large as this (measuring on the palm of her hand about the size of a penny). [Bandage shown] yes, that is what the baby had on. It feels just the same as that substance did in the one the child wore. It had little black kid boots and woollen stockings with blue tops. I don't remember the color of the footing; [shoe and stocking shown] they look very much like what the child wore when they went away. The baby wore a little white hat; [hat which was found in the trunk produced] that is the hat the baby wore when it was going away. The baby wore

when leaving a little white hat. [Hat from trunk shown.] That is the hat the baby wore when it was going away. I do not know the material. (Saque shown.) That is very much like what the baby had on when it was going away. They went in a light wagon with Mr. Littlehale—Miss Vail and the baby together. The baby had different stockings. It had a pair of cotton ones with a rib in them. Then it had woollen ones, too.

Q.—When was the last time you saw the person pointed out here as her Mous?

A.—It was that day or the day before. I heard nothing said, and did not see them together. I do not remember having seen him again, and never saw Miss Vail since. (Three pairs of stockings from trunk shown.) These are the stockings. I called the baby "Ella May." I did not call it any other name.

Cross-examined by Mr. Thompson.

Q.—Little girl, have you talked this matter over much since you were first called to be a witness in this case?

A.—I don't think I have. People have talked to me—not much since the Coroner's Inquest. I paid particular attention while at Miss Vail's to the colors of the clothing there. I never saw a dress before which had been under the snow. I do mean to say that that dress shown is the same dress. I don't know about there being two dresses alike. That dress looks like the same material. These stockings are the same. These articles which were under the snow I know by the material are the same the child had. Babies wear such material.

Q.—You think because that is the material, it is the same dress? A.—O, it's the same dress, sir; I know the dress the baby wore.

I know what it is to take an oath, and I know the dress the baby wore, and I think I ought to swear positively that is the baby's dress. I never saw a dress like that on another baby. I never saw a dress before which had been under the snow. The Gorge Miss Vail wore was thin and very good. The pieces shown I am sure are the same. I don't say there could not be another dress like it, but I am sure that is Miss Vail's dress. (Counsel asked Judge to note the reply).

Q.—Don't you think it is very wrong for a little girl like you to swear that way? A.—O no, sir, it isn't; because it is the truth.

Q.—If there was another dress of the

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Examined

Have knew J years; I Vail; sl man; I early in it for m house I the mon some in she put James O by sight her father she sold light wag she had with her lar to the [Witne 5th. 1868 evidence being ma I have looking, have kno The child away.

Examined

I drive John to 8 tall. I h Collins liv in coming of last Au with me;

same material put out with Miss Vail's, would you know the difference? A.—I do not think so.

No one ever told me that those remains were Miss Vail's; I did live about two months with Miss Vail and the child was called Ella May; I did not know Miss Vail's sister, Mrs. Crear, or see her there; the gentleman I pointed out is the only one who ever called at the house; I don't know who made the bandage; it was some time the summer before last that Miss Vail left the house, and it was bought by Mr. Littlehale.

*Re-examined by Attorney General.*

I used to see the child's dress constantly, and know it in that way; I don't know who talked to me before the inquest; what I have sworn to I know and believe, and am not influenced by what I have heard.

JOHN C. LITTLEHALE, SWORN.

*Examined by Mr. Tuck.*

Have resided in Carleton sixty years; knew John Vail, who has been dead two years; I knew his daughter Sarah Margaret Vail; she was supposed to be a single woman; I bought some property from her early in October, 1868, for \$500; I bought it for my son; I paid her the \$500 in the house I bought, when she signed the deed; the money was some in Commercial and some in St. Stephen Bank bills; I think she put the money in her bosom after James Olive counted it; I know the prisoner by sight and seeing him pass often; I saw her father during his sickness; on the day she sold the property I drove her in my light wagon to Mr. James Brittain's; I think she had only an ordinary travelling bag with her. (Bag shown.) It was one similar to that.

[Witness produced the Deed, dated Oct. 5th, 1868. Deed was asked to be put in evidence and refused by Court, on objection being made by Mr. Thomson.]

I have not seen her since. She was nice-looking, and of light complexion; I would have known her if I had seen her since. The child was with her when I took her away.

JOSEPH KENNEDY, SWORN.

*Examined by Mr. Tuck.*

I drive a stage for Mr. Ingram from St. John to St. Martins. I was driving last fall. I have been since. I know where Collins lives. Once I experienced a smell in coming along the road; it was about 1st of last August. Mr. George Parker was with me; I do not know where his father

lives. He is the ship-builder's son. There were others but they were strangers. The smell was very disagreeable.

*Cross-examined by Mr. Thomson.*

I passed twice a week all summer. I only experienced this smell once. I know it was the same place, because there was a grove of bushes there.

Q.—Have you been there since? A.—Yes.

Q.—Is not that the way you can swear that it was the place where you experienced the smell? A.—Yes.

The road is middling straight with a little crook; the crook is about a quarter of a mile from the place where the remains were found; there is a middling thick wood where the road turns; there is a young growth of fir and spruce here; if a person went into this wood the length of the Court House he could not be seen from the road; there is only a grove of bushes where the remains were found; I never went through from one road to the other; I don't know how far it is; I could from the stone, see the cutting of the Quaco Road; from it one could see a stage driving along the Black River Road; I was in one day with some women; I could not see my wagon after I went in to the rock; it (the wagon) was opposite the place; I cannot say whether the leaves were on the trees or not; I stayed only a few minutes; I could drive the stage from this place to Bunker's in about five minutes; could do it in five or ten minutes, according to how I drove; the distance is not great from this place to Bunker's; it is only about half a mile; from Bunker's to the finger-board is a little over a quarter of a mile; the finger-board is about half way between Bunker's and the place.

*Re-examined by Attorney General.*

When the remains were found I recollected it was about there; I had experienced the disagreeable smell; I don't know the time; don't know whether the leaves were on the trees or not; the horses were left alongside of the path; I could not see them from the rock.

LOUISA ELLIS, SWORN.

*Examined by Mr. Tuck.*

I am a widow; reside in Carleton; have lived there twenty-two years. I knew Sarah Margaret Vail from the time when she was a child of five years. I knew her father and mother; her mother died twenty years ago last month; her father died two years ago this month. She lived in her father's house until she sold it; it was in

Lancaster, a little way out of Carleton. I know the prisoner. I was in the habit of seeing him twelve years ago, in Princess street. I never saw him again until I saw him at the trial before the Police Magistrate. I know Miss Vail had a child one year ago last February; it was most three months old when I saw it. I saw it near the last of April; it was born about the 4th or 5th of February; I cannot tell the exact day. I saw the child stripped; it was ruptured at the naval; I saw nothing worn upon it, (the rupture) at this time. I never saw the child afterwards. There was nothing on the child when I saw it. I had known Margaret Vail from the time she was five years old; she was light complexioned, with light brown hair; she was not tall but pretty stout. I recollect her hair very well. (Hair shown.) I should say to the best of my judgment, that is her hair; and the way she wore it; I saw her once after the time I met her in April; I met her opposite the Lunatic Asylum; she was wearing black for her father; she had on a black hat, with thin trimming on it; I cannot say exactly when she left Carleton, but it was shortly after she sold her place.

*Cross examined by Mr. Thomson:*

Q. Light brown is a common color of hair, is it not? A. Yes, it is.

Q. What did her mother (Miss Vail) call the child? A. She told me its name was Ella May Munroe.

Q. Did she in speaking to the child call it Ella May Munroe? A. I never heard her say anything to the child; she told me that was its name.

Q. You say then it is a common thing for girls to have brown colored hair? A. Yes, sir.

JANE CAMPBELL, SWORN,

*Examined by Mr. Tuck:*

I live in Carleton; I am single; I am a milliner. I cannot say, I know the girl Vail, but I knew a girl I supposed to be Miss Vail. I keep a shop in King street, Carleton. I made up a straw hat. It was white, but was afterwards dyed and trimmed. It was dyed black and trimmed with illusion and flowers. This was a year ago last September, to best of my knowledge. Mrs. Crear, I think got the hat. (Remains of hat shown.) (Witness examined this closely.) The straw is the same kind as the hat was made of. The illusion and ribbon is like what I suppose the illusion and ribbon on the hat would be. There, (Looking at a piece of the remains) is a

broad ribbon which I do not recollect. (To the Court.) This (picking out a piece of the remains) is illusion. I do not know if Miss Vail was at my shop or not. I don't know who came, but I think Mrs. Crear took it away. The time was, I think, September of 1868. I have seen her once since in my store. I think about a week after. She was dressed in black. I don't remember what was on her head. This was the last time I saw her.

*Cross examined by Mr. Thomson:*

Q. You never saw her wear the hat? A. No.

Q. Did you trim it? A. I know how it was trimmed, though I cannot say whether I trimmed it or not; I don't remember of her giving the order.

Q. You said you did not know anything of the wide ribbon? A. Yes; I don't recollect the wide ribbon; I can only say the straw, ribbon and illusion which were on the hat were like those of the remains.

*Re-examined by the Attorney General:*

The straw, illusion and narrow ribbon (of the remains) is like what I put on the hat.

CYNTHIA F. DYKEMAN, SWORN,

*Examined by Mr. Tuck:*

I am married, and live in Carleton; I have lived there since 1849; I am a dress-maker; I keep no store, only a private milliner shop; I was somewhat acquainted with Sarah Margaret Vail; I did work for her some two years and three or four months or more ago; I made two dresses for her; I don't remember the materials; one was blue; I don't remember the other; it was similar in material, of a brown color; two months after I made a sacque of blue grey whiteny cloth; I had made dresses for her before that time. (Blue dress shown.) I don't recognize it. (Witness did not want it near her, and seemed unwilling to look at closely.) I cannot recognize the work; I can see the work; I don't remember the material; I don't remember whether the dress was like that or not.

Q. Is the color of this (showing dress) the same as the color of the one you made? A. This is faded.

Q. Is this blue or green? A. It is blue, sir.

Q. Does this resemble the dress you made? A. I said I could not tell.

(Remnants of the sacque shown.)

Q. Does this look like the fragments of the sacque? A. The sacque was new when I saw it; this is only remnants; this

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is Whitney cloth; and it is a faded blue grey; the one I made had black skirt braid upon it; that is black braid there (meaning braid on remnant of sacque.)

(Embroidery shown.)

Q. Can you see it from where it is? (The Witness did not want it near her.)

A. I see it sir; I have seen some like that before; it is compass work. I bought two yards of it from Sarah Margaret Vail; it was about two and a half years ago, or more since I bought it. I saw Miss Vail last about the time of her father's death. I never knew of my own knowledge that Miss Vail had a child.

(Same embroidery shown.)

Q. Is that work done by hand? A. No, it is done with a needle.

(Drawers shown.)

Q. Is this the same kind of work? A. It is crotchet work; a child four years old would know one was done with the hook and the other with a needle.

Q. You mean a female child? A. I have a male child of that age who could tell the difference.

Mr. Tuck:—Which shows the child has been well educated.

I did notice the appearance of her teeth; she had one to the right, in the upper jaw longer than the others; the others were very even. (Teeth shown.) That looks like the tooth.

Q. What kind of teeth had she. A. White teeth.

Q. Indeed. What kind of teeth were they as regards quality? A. I never examined her teeth. I only noticed them as she was talking to me while I fitted her dress. One was a very long tooth.

Cross examined by Mr. Thomson:

I did not pay much attention to her teeth; I saw them as I was fitting her dress. I cannot identify the dress.

The Court adjourned until ten o'clock, Friday.

FRIDAY MORNING, Dec. 10th.

Court opened at 10 o'clock with about as many spectators present as on former occasions. The Attorney General said that Mr. Tuck had suggested that the Jurors be allowed to visit the place where the remains were found, as the Jurors were desirous of doing so. His Honor referred to Mr. Thomson, who stated that he had no objection, only he thought the place would present a very different appearance now in winter time. His Honor did not consent.

DANIEL HATFIELD, SWORN.

Examined by Mr. Tuck: I live in this city; I drive an Express Waggon, have been driving about two years; was driving in October of 1866; knew Worden; remember of going to Lake's Hotel for a trunk; don't remember whether it was Spring or Fall; it was not this year; I did get a trunk there; cannot say whether there was anything attached to it or not; cannot say where I took it to; cannot remember whether it was night time or not; I do not know the prisoner; never saw him until I saw him before the Coroner at his inquest; do not remember where I took it, all I remember is that I got a trunk; do not drive on Sundays; I took it wherever Worden told me; I cannot remember now when it was.

JACOB VAIL, SWORN.

Examined by Mr. Tuck: I live in Carleton, have lived there 68 years, within four or five days; was born there. I knew Sarah Margaret Vail. She was a daughter of my eldest brother, John Vail; he has been dead two years on the 16th of this month. I have seen the prisoner, but am not acquainted with him. Saw him two or three times at Mr. Adams' previous to my brother's death. I last saw Sarah Margaret Vail at her father's funeral. After the funeral we came back to the house, and that is all I have known about her from that time to this. She was dressed in black—in mourning for her father—the last time I saw her. Remember her hair; it was a nice head of hair—a light brown. She had a good head of hair. If she was alive now, she would be about 26 years of age. [Hair Shown.] I think I can swear that hair grew on her head. I have seen her wear it just as that is; have no recollection of her teeth, only they were nice ones—in fact she was a nice looking girl altogether. Her mother died about twenty years ago; she was about six years old then; her mother had three sons and six daughters when she died; the sons are away in other parts. Last I heard of the oldest son he was in Minnesota; the other was in Prince Edward Island, and the other is in the Lunatic Asylum. I have not been out where the remains were found. The daughters are here; Mrs. Grear and Mrs. Olive are here.

Cross-examined by Mr. Thomson:

Q.—You mean to say that this hair looks like it. A.—From the surrounding circumstances my mind is so strengthened that I know that to be her hair. I know it to



be her hair the first time I saw it before the Coroner. I can swear it is the hair which grew on her head.

I could not swear to every girl's hair that I have had in my hand. All I can do is to swear to her hair, and I do that positively. The statements made by other witnesses has no influence over me. I can swear it is her hair, and that is all I have to say.

*Re-examined by Attorney General.*

She lived in my house twelve months when she was five years old. She lived only a short distance from me all the time since until 1866. I have seen her perhaps five or six times a month, and have seen her wear her hair every way. I am positive that is her hair.

GEORGE CUNNINGHAM, sworn.

*Examined by Attorney General.*

I am a policeman; have been on the force four years. My native place is Black River; I was out there last April, about the 20th or 26th. I was coming from there in a carriage with Archie McNaughton and his wife, and two of my sisters, when I perceived an unpleasant smell. I know where the remains were found—it was there. It was a very bad smell, so bad that I could hardly get the horses by it. The wind was North West, blowing towards me.

*Cross-examined by Mr. Thomson.*

I suppose the roads were a quarter of a mile apart from that place. I can't say that it was just at this place I perceived the smell. I think it was within a hundred rods. I can't swear to the place—I think it was within a hundred yards. I did not go in to see what it was. Horses generally do shy at a bad smell. I don't remember the nature of the ground.

To the Attorney General—I can speak with considerable accuracy that it was within 100 yards of the place where I perceived the smell.

To His Honor—I said I think I can say it was within a hundred yards from the place where the remains were found where I perceived the smell.

REBECCA ANN OLIVE,

sworn. *Examined by Mr. Tuck.*

I live on the Manawagonish Road, in the parish of Lancaster. [Witness affected. Mr. Tuck—Do you wish a glass of water? Witness—No, sir.] Sarah Margaret Yail was my sister. The last time I saw her was the day she sold property to Mr. Littlehale. Do not remember what time it was; I think it was after harvest in last year. I did not pay particular attention because we were

not good friends; we had not been on good terms for about two years; she lived on the Lancaster Road and I on the Manawagonish Road, just a field between; she left Carleton after her property was sold. I did not know the prisoner till now; have seen him go to my father's house frequently. I could see from my window. Sarah Margaret was living there then. It is a long time since first I knew he went with her. My sister would be twenty-five the 26th of January coming. I remember my sister Sarah's personal appearance. It was twenty-four years on the 18th of last month since I was married and left home. I know she had a nice set of teeth. I know of nothing peculiar about them by which I could distinguish them. Her hair was lighter than mine. I remember a skirt that she wore. [Skirt shown.] This is her skirt. I drew that with my own hands; I call that embroidery; I drew the pattern off of my own underskirt; I laid that down and took a spoon and rubbed it over my own, and it left a pattern. [Fragments of embroidery shown.] That I drew off of a pattern of my own in the same manner.

To His Honor—When she was murdered they have been on her.

Mr. Tuck—Your Honor, I propose to offer some other material in evidence.

Mr. Thomson objects, but does not state his objection.

ATTORNEY GENERAL demands objection.

Mr. Tuck—Is the material which you wish to produce a pattern off of which you took this.

Mr. Thomson objects.

His Honor allows the evidence subject to Mr. Thomson's objection.

ATTORNEY GENERAL—I wish to know whether this point will be reserved or not.

His Honor—It lies with me to consider whether it be a point to be reserved or not.

ATTORNEY GENERAL—Reads Act of Assembly, and says if there is a shadow of a doubt I am aware the prisoner has the benefit of it, and I do not wish to bring in to the trial of this cause any matter which would admit of a doubt.

His Honor—I think there is reason why the pattern should not be produced.

In answer to Mr. Tuck witness says, that is a pattern.

*Cross examined by Mr. Thomson.*

That is a pattern; I got it from Mrs. Rootes in Indian town; she got it from her friends in Canada. I haven't the shadow of a doubt but that is the identical pattern. [Skirts, women's and child's, and frag-

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ments compared.] This is her's; I laid this down on mine and rubbed a spoon over my hair and rubbed it over the pattern. That is the child's; they are the same exact. [Another skirt compared with other fragments.] I drew off this pattern the same way. These correspond exactly; only mine was worked all the way up and her's was plain. The skirt I produce, of my own, is the identical one from which my sister Sarah Margaret's drawers were drawn. [Another embroidered skirt compared with the one found in the trunk.] Witness explained how she had drawn it; I drew every bit of it myself, a breadth at a time. [Hair shown; witness, deeply affected, examined it.] I think I can say that is Sarah Margaret Vail's hair. She used to braid it and put it up in the style of a waterfall behind. I saw my sister wear a grey Witney cloth sacque; [fragments shown] I say this is the same sacque, bound around the wrists and sides with black worsted braid. She worked the skirts herself with her own hands, after I marked them. The work on hers is not done as it ought to be; it was her first work of the kind—not as good as mine. I always examined every breadth after she would finish it, when I would draw the next pattern. You see, she has cut her's with large scissors; mine were cut with scissors made for the purpose; she borrowed and used my large scissors. [Likeness shown.] I know that to be my eldest brother's likeness, now in Minnesota—he sent it to my father; [another shown] that is my sister, Mrs. Crear; [another shown] that is my uncle and aunt; [another shown] I never saw that before—it is John A. Munroe's.

*Cross-examined by Mr. Thomson.*

I can swear that is her sacque; the day she left she had it on; I have often seen it; I know and am positive that is my sister Sarah Margaret Vail's sacque.

*E. T. KNOWLES, sworn.*

*Examined by Mr. Tack.*

I live on Carmarthen Street, Saint John. I know the prisoner. I know the place where the remains were found; went there on Wednesday, the 12th of last September. Mr. John Anderson drove me out in his wagon; it was on the Black River Road, so called, about half a mile from the sugar board. We drove past it the Friday.

Mr. Thomson objected to the evidence, as there was nothing to show that that is the place where the remains were found.

The Judge allowed him to state what he knew himself.

*Witness—I went out a second time with Mr. Calvin Powers and F. A. Morrison to the same place where I had been first—the time I was out with Mr. Anderson. I went searching about for the bullet, but did not find it; found some child's hair—it was white; found a string of beads. [Hair shown] could not say that is what I found; it is similar—not quite as much as that; I brought it in and gave it to Mr. Powers; [beads shown] these are the beads I found on the day I was there with Mr. Anderson. I found nothing else. I found the beads in a tuft of moss, very close to the place where the man pointed out as the place where the skull had been found. The beads and hair were on the side of the rock, a little north towards the Black River Road, six or eight feet from the rock.*

*Cross-examined by Mr. Thomson.*

There is more hair there than I found; it looks like the hair I found. [Beads shown.] I marked the clasp, and that is how I come to know. [Other beads shown and compared.] The beads I found are smaller, but I don't think there is much difference between them at all. I went out just from curiosity. It was a rather wet, swampy place; there was a little knoll where they said the skull was found. A heavy rain would have filled the little hollow near the rock with water.

*Examined by Mr. Tack.*

I live in St. John; am a Barrister-at-Law. I know where the remains were found. I went to the place about the 18th of September; it was Friday. I saw a rock there; I looked towards the Black River Road from the rock but could not see the road in a direct line; looked towards the Quaco Road; could not see it; did not walk there; had a horse and carriage with me. There was a pathway to the place, followed that; the ground was dry on the surface; rock was bare on the top; did not examine the bushes particularly; found some buttons just alongside of the rock; I think in a kind of hollow, on the east side of the road. I found three—two I gave to Powers, the other I have in my pocket. [shown.] Did not find anything else. I drove down to Black River and returned the same evening. We were three minutes driving from the place to Banker's. Drove pretty fast.

*Cross-examined by Mr. Thomson.*

The horse did not belong to me, it was a Livery Stable horse—Mr. Robertson's horse. We drove fast. It was on the 18th of September, before Munroe was arrested.

Took my watch out and timed. Mr. King drove; it was about 10 o'clock in the evening.

**Examined by Mr. Tuck.**  
I live in this city; I am connected with the Daily Morning News. Was out to the place where certain remains were on the 16th September. I drove down towards Collins, but could not find the place which had been described to me; returned to Bunker's, and Horace Bunker went with me. I should judge it was about half a mile from Bunker's to the place. Searched around about three or four hundred yards over the plain in every direction from the place. I did not stop; the distance to the Quaco Road; I drove around to the Quaco Road, and Mr. Smith, of the Telegraph, paced across. The first time I went out I took particular note of the place. There are two rocks: one to the East is a pointed rock, the other, towards the Black River Road about 7 or 8 feet, is a flat one and bare. Between these is where it was pointed out to me where the bulk of the remains had been found. There was a hollow a little to the south east side of the flat rock, filled with moss; among this moss was a fragment of a black dress, a little piece of a woollen stocking, some bones, a tassel such as is worn upon sontage, it was red Berlin. I delivered those things to the Coroner. I could not identify them, they were little fragments. In searching around about fifty paces as I walked from the flat rock in a north easterly direction, I found a small skull; it was observed by Mr. Horace Bunker and myself at the same time. It was setting upright under a small bush; one portion of it was lying apart about a foot. I lifted it up and the moment I took it in my hands it separated in the natural pieces. I then went directly east from the same rock, I should suppose about the same distance, I found a piece of a woman's stocking. All the articles I found I gave to the coroner, here in this court house, on the same day. [Ball and remains shown.] This is the place which was lying away from the other. These are the other pieces, that is the skull. [Pieces of stocking shown.] That is the piece of stocking I found to the east of the rock. I recognise it by the green mark on it. I found nothing else, did not quite go to Quaco Road; think the road cannot be seen from any point. Another time I was out, I think in November, I could hear a wagon driving along the Quaco Road. I went upon and around the rock, but could not discern anything of

the carriage. Mr. Smith, of the Telegraph, was with me. I stood on the rock; Mr. Smith went on the road; I could not see him as he passed along; he would shout out after a while he said "I see you" and soon I could distinguish him through the alder bushes. I was standing on the higher rock. I think it is 150 feet beyond where the pathway turns in, there is a little knoll where you can see a man from the rock; I could not see him when I got off the rock, we heard a team coming, it drove past, and I could only see it looking south east towards where the pathway enters; could see the top of the wagon, there and the people, but could not see the horses; and then only saw them for an instant. When they arrived on the knoll, I could see through the bushes between the rock and road, are low and stunted. The ground is rough and broken to the east, but this spot is wet and mossy, perhaps a foot deep. It would be wet after a rain; it is spongy ground. The alder bushes were bare; I think if they were covered with foliage it would be impossible to see any one on the road until they came to the knoll beyond. I noticed nothing peculiar further on that occasion. [Place shown.]  
Witness gave description of the place by the plan.

**Cross-examined by Mr. Thomson.**

I made the observation for the purpose of my paper. There was no path to the place at first. The place where I could see Mr. Smith was a little further towards the forks than the path. If a female were standing upon the rock a person driving from Collins could see her, I think. The alders are very thick, except in a South-Westerly direction from the rock. I am sure that a wagon passed along the Quaco road when I was at the rock. The rumble was such as a wagon would make. The sound is different from what a two wheeled cart would make. There would be no pools of water at the place. The ground was of a spongy nature, and would be wet at each time as the 31st October, 1868, is described to be. I am not sure that the ground is such as would preserve a dead body for a long time. The moss is from rain, make and does not grow so much. [Place shown.]  
**Re-examined by Mr. Thomson.**  
The moss is very thick and sufficient to cover a body.

Examined by Mr. Thomson.  
I live in the Paumont, leading to live mains house. here is not known October and at my daughter, a living in Clarke. I never ing to a person. There is Bunker's when he grandpa would be him, nor him. I or any p rangement passed a any small man. MAY  
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JOHN COLLINS, sworn.

*Examined by Mr. Tuck:*

I live at a place called Collinsville, in the Parish of Simonds, beside Lake Lomond. I know the forks of the road leading to Quaco and Black River road. I live on the Black River road. The remains were found about a mile from my house. I live a little off the road and have lived there twenty-two years. Do not know whether I was at home on 31st October, 1868. I see floating material and am away sometimes. At that time my daughter Sarah, and Margaret Davidson, a little maid, were the only persons living in my house. I never knew a Mrs. Clarke either by character or reputation. I never heard of a woman or maid coming to my house. I never knew any such person driven to St. John from my place. There is no house between my place and Bunker's. I may have seen the prisoner when he was a little boy living with his grand parents, but I do not know him, would not have known him if I had met him, nor have had any conversation with him. I made no arrangement with him or any person, nor heard of any such arrangement to drive a person in. I often passed along the road. I never noticed any smell in passing along the road.

MARGARET DAVIDSON, sworn.

*Examined by Mr. Tuck:*

I live at Mr. Collin's on the Black River road. There is no house between our house and Bunker's. I have lived there going on three years. I have lived there all the time. I remember Halloween in 1868. No Mrs. Clarke and child nor any such persons ever came to our house.

M. H. PETERS, M. D., sworn.

*Examined by Mr. Tuck:*

I am a medical man, residing in Carleton. I knew John Vail, and attended him in the early part or middle of December, 1867. He died then. I knew his daughter Sarah Margaret. She lived near father's house and continued to do so after her father's death. I was sent for to go to the house on the 4th of February 1868, and whilst there, Sarah Margaret Vail was delivered of a female child. Some time after I examined the child's stomach and found it had an umbilical rupture; that is a protrusion of a

portion of the intestine through the navel. I prescribed a sutmeg to be cut in two, and a half to be sewn in a bandage and placed round side down on the navel. The bandage was a strip of common cotton. I did not visit her again. Sarah Margaret Vail was 23 or 24 years of age I should think. Her hair was of a lightish brown. She wore it in a plait and put a good deal of oil upon it. (Hair shown.) Her hair was of that description and put up in that style. I do not know when she left Carleton. I saw her last in August or September, 1868. I did not observe her teeth.

DAVID G. SMITH, sworn.

*Examined by Mr. Tuck:*

I am a reporter on the *Telegraph* newspaper. Know where the remains were found. First went there on Wednesday, 15th September. Had a lady with me on that occasion. Drove down the Black River road. I there saw a skull, thigh bone and two or three ribs. The skull was lying near a rock toward the Quaco road. The ribs were not more than two or three feet from the skull, and the thigh bone was further away towards Bunker's. I observed some clothing, parts of a black coburg dress. There were also a hoop skirt, a sash, a child's shoe with a sock in it, and shreds of clothing. I dug up the moss near where the skull lay with a stick and turned up some other bones, parts of ribs, and others. They were from three to six inches under the moss. I observed the ground, particularly and the lay of the land. The rock was flat and slightly inclined. I was there about a quarter of an hour. I visited the place again; the remains had then been removed; saw no more remains then; did not disturb the remains on the first occasion. — (bones shown) — some of those bones resemble those I saw at that time; the second day that I went out was when the Chief of Police and Worden went; think this was about a week after my first visit; noticed the first time that the Black River road could not be seen from the rock; the second time I drove to Collins; but learned nothing about the case; went out again on Tuesday, the 16th Nov. with Mr. March; we drove up the Quaco road to where I thought about opposite the spot, and I got out and passed



across, but came out about 150 feet nearer Bunker's, then the spot where the remains were found; I counted my paces till I came in sight of the Black River road—480 paces. That was 30 or 40 feet from the Black River road. I think the rock would be about the same distance from that point on the Quaco road. My paces were probably 2 1-2 feet each. I then went out on the Black River road and walked along to the pathway leading in to the spot where the remains lay. I went in to the spot by the path. Mr. March and I looked around for a few minutes, and one proposed that the other should walk out and along the road to see if we could see each other; I went out while Mr. March stood on a rock about ten feet from the other—perhaps two feet high; I went towards Collins', and about half way from opposite the rock to the path, or seventy-five feet from it towards Bunker's, I caught a glimpse of March, but he could not see me; Further down, perhaps one hundred or one hundred and fifty feet, I could see him again and he said he could see me; we could see each other's head and shoulders, but I could not see the rock. I went in where Mr. March was, and then we heard a wagon coming from Bunker's, and we selected the high rock as the highest point, and looked towards the Quaco Road, but I could not see the wagon. The ground was then slightly frozen; there was a little pool of water by the rock about three or four inches deep and perhaps nine inches across and seven or so long. The ground is a little lower than the surrounding ground; the hole was made by the removal of the moss from the spot; the ground in summer would be comparatively dry, but in the fall would be spongy and wet; the bushes are laurel and alders near the Black River road; opposite the rock there is a thick clump of spruces; toward the Quaco road the bushes are more scattered.

*Cross-examined by Mr. Thomson:*

The ground would be soft and spongy after a storm, but a person would not sink to the knee, and hardly even the feet. The nature of the ground is such that in winter a body might be there some time without decaying. I do not think it would be less liable to decay in the summer. A person at the end of the path

could not see a person on the rock. From the elevated road towards Collins's a person could see another on the rock. If a person in a wagon coming from Collins' were to look toward the rock, they might possibly see a man and woman on the rock at any season, but I do not think they could in the summer when the foliage is thick.

**ROBERT R. ROBERTSON, sworn.**

*Examined by Mr. Tuck:* I reside in St. John, and am in the employ of L. & F. Burpee, on Prince William Street. I know John A. Munroe, the prisoner—I have very often seen him in our store. I saw him there a year ago last fall, but cannot say at what date. It was about seven o'clock in the morning. He purchased a revolver; it was a Smith & Wesson, with seven barrels; it took a No. 22 cartridge. I had one before the Police Magistrate and gave it to him. [Cartridge shown.]

To this Mr. Thomson objected, that it was not competent to produce a No. 22 cartridge unless it were shown that persons purchased cartridges at the same time, but it was overruled by the Judge. Witness—That is a No. 22 cartridge, and would fit the pistol I sold to Munroe. Munroe paid me \$13 or \$14 for the pistol. He had no account with the firm that I know of.

*Cross-examined by Mr. Thomson:*

I have often sold pistols of a size that this cartridge would fit. That is a size that is frequently purchased. A single barrel pistol could be bought for about \$3.50. The pistol I sold Munroe was a single barrel with seven chambers, and they are all prices up to \$20, according to the mounting.

**FRANCIS S. JONES, sworn.**

*Examined by Mr. Tuck:* I am Chief of Police for the Parish of Portland. I know the prisoner John A. Munroe. I arrested Munroe on Prince William Street, and took him to the office of the Police Magistrate. I found him at Mr. Craft's on Prince William Street. In Mr. Gilbert's office that gentleman told him he was under the charge of the Chief of Police and he must keep his own counsel. I then took him to the office of the Chief of Police, and he undertook to explain matters to me.

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To this Mr. Thomson objected that it was incompetent to bring forward anything said by the prisoner. This had been laid down, and such evidence was discountenanced by the English Courts. The person having the party in charge must warn him distinctly, and the loose remark of the Police Magistrate could in no way be construed as a warning.

His Honor said that went further than he understood the law, and he should like to hear the authorities.

Mr. Thomson then cited from Roscoe's Criminal Evidence, in which it was laid down that a clear and distinct warning must be made by the Magistrate, and brought forward cases quoted therein as pertinent to the case in hand.

The Attorney General said in the cases cited inducements had been held out, but in cases where no such inducement was offered he held that when a voluntary confession was made after warning by a Magistrate, he argued that the laws of England distinctly laid down that the evidence was good and might be received. He cited a number of cases from the same authority in support of his argument.

Mr. Thomson said the position he took had not been answered at all. He referred to what he denominated the barbarous custom used in the existing law of placing a party in the dock and closing his mouth, and said that so long as it existed the party should be guarded by the exclusion of a confession made by him, without a strong warning that his statement would be used against him.

His Honor said he did not think the role of the authorities went so far as stated by Mr. Thomson, and citing from Denman's cases in Archibald's reports showed that where a warning was given and no inducement held out the statement made by the prisoner was admissible; and as in this case no such inducement appeared, and the prisoner was warned to keep his own counsel, the statement made by witness was admissible evidence.

Mr. Thomson asked to have his objection taken, that no proper warning had been given by the Magistrate.

The witness was allowed to go on with his statement.

Witness: When the Chief of the City Police and I brought the prisoner before the Police Magistrate, I said: "This is

Mr. Munroe, sir." Mr. Gilbert then said to the prisoner that from the talk out-door it was thought proper to have him arrested, and he must consider himself under arrest. It was his duty to warn him to keep his own counsel, as anything he said might be turned against him at a future day. The chief and I then took prisoner up to Mr. Marshall's room, upstairs. We sat down there, the three of us. Mr. Munroe then turned to Mr. Marshall and said, "I was first introduced to this girl in Carleton." This was the first word spoken. I did not know the prisoner till I arrested him. I then said to the prisoner not to tell anything about it, as we might be brought on the stand. He said he did not care; if he was brought on the stand himself, he would tell the same as he would tell them.

Mr. Thomson then asked if Mr. Marshall interposed the same warning.

Wit.: Mr. Marshall did not caution him at the moment, but afterwards he did once or twice say, "John, be cautious." He then said "he was introduced to this girl first in Carleton; that he had went to see the girl many a time, and she had a child. He said she had some property that was left to her by her father; and she had told him several times that she would sell it; that her reasons for selling it was on account of discord among the family; that he advised her not to sell it. He had ascertained that she had sold it to a man named Littlehale. He said last Fall he was going away on a little tour to Boston with some gentlemen from the city, partly on business and partly on pleasure; that the day before he left (I think he said Sunday) he went to see her, and she insisted on going with him; he told her not, and on her asking the reason, he said he was going along with some gentlemen, and did not want her to go with him. That Miss Vail told him then that she did not want him to have any care of her, only to keep an eye to her and her trunk while on board; she did go in the boat, and when she got near or in Boston, she asked him where the Commercial Hotel was, as she wanted to go there. He told her that it was but a second class hotel. She told him she expected to meet a man there, who was going to marry her. He said she went to the Commercial Hotel, I think he said he and his company went to the American House. The next day he went to see her, and she told him she had not seen the person she expected to see. The

next day he went to see her again; and she still had not seen the man she expected. She said she would go back to St. John again. He told her that he would leave the next morning for New York, and that he was coming back by rail, that he would not go down by boat. When he got back to Portland he saw her there on the boat. He said while on the way to St. John it blew very hard, and he did not see her much on deck. When near Saint John, she asked him to get a coach for her; he did so, and on the way to the American House, she asked him how far it was to Collins's, as she wanted to go out there. He told her it was from twelve to fifteen miles, and he promised to drive her out. He said he did drive her out. After they drove out a piece on the road past Bunker's, he took her and the child out of the coach, and they walked on, and sent the coach back to Bunker's. After they got on a piece she went ahead, and after awhile came back again and said the parties were not at home she expected to see. He said they then walked back to Bunker's, and took the coach and came home; that the understanding between him and her was that they should go out again; they did go out a second time. He said that in going out she complained of being at Mrs. Lordly's; that she did not like Mrs. Lordly. He named some other hotels, and the coachman took them to the Union Hotel, in Union Street. He left her there. The second time they went out he turned the coach back at the same place he did the first time. She walked on ahead again. She came back and told him the parties were home that she wanted to see, and for him to see about her trunks for Monday's boat; that on Monday morning he was at the boat and put her trunks on board; that he said something about the tickets, but I do not remember what; that he had a chance to see her just merely as the boat was casting off, and only had time to shake hands with her. He mentioned once or twice that the girl's name was Miss Vail. He mentioned something about a letter, but I will not be positive what it was. At that time the Sheriff and Mr. Potter came into the office where we were. He said the coachman brought the trunks to the boat, and he put them on board. I do not remember his mentioning the christian name of Miss Vail. Mr. Marshall interposed once or twice, saying, "Be

careful, John." He interposed immediately after he began to tell his story. He addressed his conversation to Mr. Marshall. When I arrested him, he said to me in Mr. Craft's, you are not to expose him, and I told him to go along to the Police Office. Mr. Marshall was ahead of Munroe at the time. The Sheriff went with me and returned as far as the Imperial Buildings. This was in September. I have been twice on the ground, once with the Coroner, Dr. Christie, Mr. Powers, and Mr. Armstrong of the *Globe*, and once since. I am perfectly acquainted with the road; from Bunker's to the Finger Board it is about a quarter of a mile. I made the road along there.

Q.—Did he state what her reasons were for going to Collins's, and if so give them?

Objected to by Mr. Thomson, but ruled admissible by the Judge.

A.—He said she wanted to see a person there.

*Cross-examined by Mr. Thomson:*

Mr. Munroe did not keep himself out of the way at all, but had before given himself up to the Coroner. He had not got far in his story when Mr. Marshall cautioned him. He had not said more than a word or two when I said for him not to tell anything, as we might be brought on the stand. Mr. Marshall afterward did ask him something about a letter he spoke of. He said Mr. Craft had told him he had seen the girl on the street, and also something about a letter the girl had written to him, but I do not remember what was said. I have told all I remember about the conversation. I do not certainly remember that he stated who wrote the letter, but something was said about a letter. I remember Mr. Marshall saying to Mr. Munroe something about the importance of a letter. Mr. Marshall did not cross-examine him about the letter, and he said very little about it. Mr. Marshall did not attempt to stop me from cautioning Mr. Munroe. Our feet were all together. I do not remember of Mr. Marshall treading on my foot or stop me, and I never stated that he did so. Mr. Marshall did touch my foot in taking his foot down from his knee, but I do not know what his intentions were, and do not believe he intended to stop me. It was when the Sheriff and Mr. Potter

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were in the room, and no conversation was going on at the time. I have said that Mr. Marshall did touch my foot, but I did not take it to be as a sign to stop. I do not think Mr. Marshall knew when he did it. I have been out on the ground since the leaves fall. I noticed that standing on the flat stone the Black River Road could be seen at some points. I could see a man sitting in a wagon about the end of the path, but not the wagon. Further on, on the rise towards Collins', I could see a man quite clearly. There was water on the ground at the last occasion. I could see old Mr. Munroe, who was standing on the road towards Bunker's. The place is much changed since I saw it first. If I was going to commit a murder I do not think, knowing the ground as I do, that I would select that place. I think it an unlikely place for a lady to be willing to go into, especially after a rain storm. The woods are thick, and there is some undergrowth on the right hand side of the road. There are also bushes and trees further on towards Collins', on the left hand side.

*Re-examined by Attorney General:*

I am well acquainted with the soil out there. In dry time it is pretty dry, but in wet weather it would be soft and spongy. It would not take long to get up quite a quantity of moss. Standing off the rock I could see only the top of the man's hat in the wagon on the road. The trees are spruce and alders; most of the alder leaves are off before the 1st of November. Mr. Munroe was the first to speak about the letter, and Mr. Marshall replied, saying it would be very material. I understood the letter was from a girl, and I supposed it was from the girl he was speaking of. I think the difference in the height of the ground around the rock has been caused by the excessive tramping, and would make the difference of the third of a man standing on the road. Before it was tramped the difference would not be so great. If a man stood inside the rock towards the Black River Road he would be hid from every point on the road, even if standing close by it.

H. W. CHISHOLM, sworn.

*Examined by Mr. Tuck.*

I am Agent for the International Steam-

ship Company. I have been in their employ for five or six years. The steamers run from St. John to Eastport, Portland and Boston. The Boston Agent is W. H. Kilby. The first intimation I had of a trunk was by a telegram from W. H. Kilby. I received a trunk from John S. Hall, mate of the steamer New York, on the evening of the 1st October, 1869. I made an inventory of the contents of the trunk. John S. Hall was mate with me for five years. I went on board the steamer and got it up to the office [trunk shown] that is it; it has upon it a check of the steamer New England; it had a small bag attached to it as now. There were present when I opened the trunk John S. Hall, Dr. Earle, the Coroner, and John H. Marshall, the Chief of Police. I opened it in my office at Reed's Point Wharf. There was another trunk inside the large one, and a black parasol, and a small black button without an eye. I marked every article with the C.A. stamp. The small trunk contained two thimbles, one without a top; two hickory nuts, one spool white cotton No. 60, one small empty scent bottle part of a black lace veil, one hair net, one black fancy button, one child's grey jacket, one lot of papers, one N. Y. Ledger, Sept. 26, 1868; one Chimney Corner, Oct. 17, 1868, one Street & Smith's New York Weekly, Oct. 23, 1868, one Saturday Night, Oct. 17, 1868, one Harper's Weekly, Oct. 17, 1868, Mrs. Winslow's Domestic Receipt Book for 1862, 1866, 1867; one book "Snow Bird, or the Trapper's Child;" a child's drab coburg dress; one pair white ribbed cotton stockings; one bundle white cotton cloths, one child's plain white cotton petticoat with insertion; two child's plain white cotton shirts; one white cotton do. with crochet work round the neck and sleeves; one child's pin-afore, with white buttons; one child's drab coburg dress, with trimming in front, and round the bottom and sleeves, bound round the bottom with black braid; one child's white cotton nightgown; three pair child's woolen socks; two pairs do., striped red and white; one pair do., dark red, with white spots, tied around with a woman's white collar, quite narrow; one pair child's white cotton socks; one pair woman's drawers with insertion near bottom; one woman's unbleached cotton skirt, with two pockets in it; one woman's white cotton undershirt, with deep embroidery round the bottom, one row of insertion just above the embroidery, all the way round, and two rows of inser-



tion above on the front breadth; one woman's blue coburg dress, with small light buttons, half way down the front, and hooks and eyes, and one pocket of the same material as the dress; two pairs woman's white cuffs; one child's white hat, trimmed with purple ribbon, and white gimp; one woman's lace collar, one muslin do. with edging around the ends; one newspaper parcel containing three photographs: one tin-type photograph of a man, (in a case); one ring case, made of paper, containing grey hair. This is all the contents of the trunk. On the end of the large trunk was fastened by a check of the steamer "New England," a small bag, containing one pair black cloth mourning gloves; five pieces white cotton—one piece soiled; one child's napkin; one decayed apple and two pieces of candy.

I handed all these things over to the Coroner, Dr. Earle.

*Cross-examined by Mr. Thomson:*

The lists of the Company show who go as passengers. They are made out by the Clerk on board the boat each trip, and filed away by the Treasurer in Portland, Maine, as a voucher for the correctness of his cash.

The Court then adjourned till 10 o'clock Saturday morning.

#### SATURDAY, DEC. 11.

The Court was opened at 10 o'clock. About as many spectators were present as on former occasions.

GEORGE PARKER, sworn.

*Examined by Mr. Tuck:*

I live at Ten Mile Creek, in the Parish of Simonds. I generally go what is called the Hibernian Road. I know the Black River Road; know the place where these remains are said to have been found. It is about a mile the other side of Bunker's; on what is called the Mountain Road. I came in that road with Mr. Kennedy in the latter part of April last. I then perceived a smell about the place where the remains were found. I could not exactly say as to the time or place. I never smelled anything like it before; it was a very bad smell; the

day was very fine. Don't remember what way the wind blew. Did not get out. I don't think it had any effect upon the horses. I asked the boy at the time if he ever smelled a skunk. Only drove that way once that spring. I think it is (about thirteen miles from that to our place—about twenty-four miles from here.

*Cross examined by Mr. Thomson.*

I never smelled the smell of a skunk, or never smelled anything like that smell before. It was a very bad smell.

To the Attorney General:—I never smelled anything like it before.

MARY PORTER, sworn.

*Examined by Mr. Tuck.*

I live on the Black River Road, at Collinville. I am married; my husband's name is Alfred Porter; I have two sons, John and William. I don't know exactly how far it is from Collins; it is the next house, a little further out, next lot. I know the place where these remains were found. I think I remember the months of October and November, 1868. We were living there at the time. Never knew a woman and child named Clarke or Vail; never saw a strange person at our house to enquire the way or anything else. I remember being home Hallow Eve. Was home next day, Sunday, only while to meeting up at Willow Grove in the afternoon with my husband. In the evening we returned, after taking tea. I visited the place where those remains were found the very day, with Miss Collins. We met the white and colored folks coming away, and Mr. Crozier and William Douglas went back with us; saw a few bones and rags; saw the skull; there was another bone lying convenient to where the skull was. I stopped a short time and returned. I mean the very day the remains were found—that was the first time I knew anything about it.

*Cross-examined by Mr. Thomson:*

Q.—What month was that, Mrs. Porter, if you please? A.—I don't remember the month.

Q.—Then you are quite as unable to state where you were the 31st October, 1868? A.—I very seldom went from home on Saturday. Do not recollect the day, but I think I was home in the evening.

JOHN PORTER, sworn.

*Examined by Mr. Tuck.*

I live on the Black River Road, about two miles from Mr. Bunker's. I am a son of Alfred Porter. Have lived there about three years; was living there in October

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and November, 1868. I was at Mr. Collins on Hallow Eve of 1868. Went there about seven and came away about nine; was home all day. I did not know a woman named Clarke or Vail; saw no such person at our house or in the neighborhood nor heard tell of any such woman or child. Know where these remains were found; passed the place this morning; visited the place once since the remains were found; saw a skull and some hair, some small remains of bones and clothing. Perceived no smell there this year.

*Cross-examined by Mr. Thomson:*

I have passed there as much as once a week all summer and never perceived any smell. I recollect of being home on Hallow Eve. Remember of being up to Mr. Collins' in the evening, and the work I was at in the day time, that is the way I remember it. I could not say whether it was raining the week before. I remember I was hauling black mud, and it was raining; that is one way I came to remember it; can not say how the roads were. I was subpoenaed yesterday; the subpoena was left at the house. I was in the woods; I knew what I had to give evidence of.

Q.—Who told you?

No answer.

Q.—Did the person who had subpoenaed you tell you what you was wished to prove?

No answer.

Q.—Have you any reason for not telling me if you have, I will not press you?

No answer.

ATTORNEY GENERAL.—(Watson, policeman, called.)—Is that the man who served you with the subpoena?

Wit.—I was in the woods when he came. I have not been told what I was to swear to.

WILLIAM PORTER, sworn.

*Examined by Mr. Tuck:*

I live on the Black River Road, and am a brother of the last witness; live about two miles beyond Bunker's; have lived there three years. I know the place where these remains were found; was living there in October, 1868. I don't remember Hallow Eve night, but think I was at home in October and November of 1868. I did not know a woman and child named Clarke or Vail, and did not know of any such person being at our house, or in the neighborhood. No strange woman or child was at our house or in that neighborhood in that fall.

*Cross-examined by Mr. Thomson:*

Have passed the place where the remains were found; never perceived a smell there.

I don't remember of being away from home any time; perhaps have been away Sundays to meeting, but not on week days. At that time I had no business to take me away. I do not shoot or fish much. I think we had some showers of rain in the fall of 1868, but don't remember much about it. Don't remember the 31st of October more than I do any other day.

THOMAS STUART, sworn.

*Examined by Mr. Tuck:*

I live on Black River Road; know where Mr. Collins lives; I live about a mile from there. Mr. Porter, lives next to Collins', then Robert Moore, then Connolly, and then Mrs. Stuart, my mother; then Tom. Dallas, and then I live next. I don't exactly remember Hallow Eve of 1868, but I was home that day and evening. There was no strange woman or child came to our house at that time, nor no woman and child named Clarke, or Vail; never knew any persons of that name to be about that neighborhood any where.

*Cross-examined by Mr. Thomson:*

Don't remember the Friday before Hallow Eve. I remember the Sunday following, because it was the day following Hallow Eve. I was in the house at that time. The doctor was attending me; I had been in the house back and forward six months before that. I know I was brought in to swear all I could, but it is nothing at all. I was brought in to swear that I had seen nothing of a woman and child out there. Never perceived any smell around the place where the remains were found.

WILLIAM GARNETT, sworn.

*Examined by Mr. Tuck:*

I live at a place called Bloomsbury Settlement; some call it Garnett Settlement, about two and three-quarter miles from Bunker's. Mr. Porter lives next; Boss Morie lives next. You can see one house from the other. Henry Connolly lives next. You can see all these houses; it is a settlement. John Connolly lives next, and I live next to him; was living there in the months of October and November, 1868. I don't remember the Hallow Eve of that year. ("I don't hold that up much.") I was at home all the time. Did not see a strange woman and child in that neighbourhood. Did not know a woman and child named Clarke or Vail, nor never heard of them; do not know exactly the place where the remains were found.

*Cross-examined by Mr. Thomson:*

I was home all the time about that time; I was sick; cannot say whether I was sick.

in bed or not that day. I have no family; my cousin stops with me. I have passed along the Black River Road to Bunker's; cannot say how many times; always walked along; never smelled anything there.

*Re-examined by Attorney General:*

Q.—Did you sleep up stairs or down when you were sick? A.—I have no up stairs to my house, sir, so I must have slept down stairs.

THOMAS DALLIN, SWORN.

I live three and three-quarter miles from Mr. Bunker's, in the Garnett Settlement; Mr. Wm. Garnett lives next to me, close by; I live about a quarter of a mile from Boss Moore's. John Connolly lives next to me, towards Bunker's; Henry Connolly lives next, Boss Moore next, Mr. Alfred Porter next, and Collins lives next. [Witness showed signs of fainting, and was removed to the open air, Court delayed some time, but the witness being reported not likely to be able to come forward the Court proceeded.]

GEORGE GARNETT, SWORN.

*Examined by Mr. Tuck:*  
I live near to the Garnett Settlement, mine is the last house in the Settlement; it is over three miles from my house to Bunker's; have lived there about twenty-one years. It is all cleared from where I live to Boss Moore's, but a small patch of woods about 50 acres. Could not swear whether I was home in October of 1868, as I am a great hand for fishing and fowling. I was in the country at the time; but was home nights. There was no strange woman or child in the neighborhood about that time nor since; no woman named Clarke, or Vail, were there; never heard of such a woman until the commencement of this trial.

*Cross-examined by Mr. Thomson:*

Have not been home much this summer; never perceived any smell in passing along the Black River Road.

*Re-examined by Attorney General:*

Don't remember Hallow Eve, of 1868. It is no use of me saying what I don't know.

SUSAN LANE, (colored), sworn.

*Examined by Mr. Tuck:*

I live at Wulow Grove; was berrying in September of this year. Henry Brandy, George Diggs, and my sister Jimma were with me; it was near the Black River Road. I saw a head bone, a rib bone, and some clothes. Martha Thompson saw them first. The head bone was lying right by a rack. I never touched them. Me and my sister

Jemima, and Martha Thompson, went there the next day to show my father, Emu Lane, the remains. I never went any more, ends

GEORGE MURRAY, sworn.

*Examined by Mr. Tuck:*

I live on Brittain street in this city; know the prisoner, had known him about two or three years; know the Brunswick Hotel, was there last Fall. A year ago when I was in there, the door bell rang. I opened the door, and Munroe, (the prisoner) stood there. He handed me a parcel and asked me if I would give it to the woman up stairs. He said what her name was, but I don't remember it. I gave it to her; she had a baby. She opened the parcel, and gave me a stick of candy out of it, and gave the baby one too. I then went out where Mrs. Lordy was. I never saw the woman before. Mr. Munroe lived in the same house with my sister, (Mrs. Belding.) He had a wife and two children living with him; the house was Mrs. Crawford's. I was into Mr. Munroe's part of the house once; went to the house quite often, and saw Mr. Munroe's wife and children. When I took the candy up stairs at Mrs. Lordy's, I saw no one in the parlor except the one.

ROBERT MOORE, sworn.

*Examined by Mr. Tuck:*

I live on the Mountain Road, so called, between Bunker's and Black River; it is about 2 1/4 or 2 1/2 miles from Bunker's. Have been there about twelve years. We call it the Bloomsbury or Garnett Settlement. Was living there in October and November, 1868. Am generally at home nights. Don't know that I remember Hallow Eve particularly. There were no persons at our house except it might be some of the neighbors. There was no woman or child named Clarke or Vail there; never heard of such persons.

*Cross-examined by Mr. Thomson:*

Don't remember where I was on the 31st of October, 1868. I have passed along the road towards Bunker's several times during this summer; don't recollect of smelling anything peculiar there; don't recollect about the weather in October, 1868.

JOHN H. MARSHALL, sworn.

*Examined by Mr. Tuck:*

My occupation is Chief of Police for the city of St. John; have been Chief of Police since 1862. Have known John A. Munroe since his childhood; he has a wife and one child that I know of. He lived on Charlotte Street—don't remember of his living out of Saint John. Between five and six

clock in the evening on the 21st of September, 1869, I went down to Mr. Craft's sloop, off Prince William Street, in the city of St. John. Mr. Munroe was in the bar room. I told him I wanted to see him for a moment. He came out of the bar room and went into the hall upstairs. I told him I had understood that he had offered to give himself up to the Coroner, and that the Coroner was up to the Police Magistrate's Office. I asked him if he would come up now; I would go ahead, he could follow on, and Jones would follow after him. We came out and went up Prince William Street in that order, and he went into the Police Magistrate's room. I was near the door. The Magistrate said he had sent for him; circumstances were strong against him, and he advised him not to say anything to any person only through his counsel; there was no counsel named that I recollect of. The Magistrate said—"Mr. Chief, I give him in your charge until tomorrow morning." I thought I would not lock him up, but took him up to my own room, where he would be comfortable. It is in the rear of the Police Office. I sat down to my desk—Mr. Jones to my left and Munroe to my right. I don't think Munroe sat down; Jones did. Mr. Munroe then said he would tell us about it. I said to him "You had better not say anything." Mr. Jones said "We may have to appear on the stand against you." He (Munroe) said "I would say the same if I was on the stand."

Mr. Thomson objected to this.—Saying the Magistrate's objection down stairs had nothing to do with what took place up stairs. The Magistrate merely advised, but did not warn; he should have done so. The law casts the duty upon officers to give a positive warning. Judge notes objection.

Attorney General requests that the question be put to witness whether any inducement had been held out or not?

A.—No, none. Witness proceeds:—He (Munroe) said the woman's name was not Clarke but Vall, and she lived in Carleton. He had been acquainted with her for some years. She had a child—it was not his. She had some property then in Carleton. She was going to sell it and go to the States. He strongly advised her not to do so, as long as she had that she had a shelter—a place to live in; she sold it the money would go and she would be thrown upon the world; however he said the property she said he was going on to the United States and she wanted to go with him; he advised her not

to go; she said she wanted to see a man who was to meet her at the Commercial Hotel, in Boston, who was going to marry her. They went on to Boston. He said he would either meet her there or she would get a letter. When they arrived in Boston he went to the Commercial Hotel with her and then rejoined the party he was with, and went to the American House. The next morning he went down to the Commercial Hotel to see her, and she told him that she had neither received the letter or seen the party she expected, and that she would go back to St. John again. He said he was going on to New York and would be gone a few days; and he intended to join the steamer on his return at Portland. I don't recollect that he named the day.—She said she would go on board the steamer at Boston. He joined the steamer at Portland; the weather was rough, and he did not see anything of her until they got near Eastport or St. John; she wanted him to get her to a hotel, and he took her to the Brunswick House. She said that she wanted to go out to Loch Lomond, on the Black River Road, to Collins', to see a man there who was going to marry her—a painter—he did not know his name. On Monday he got a coach and went out with her; they got out of the coach before they got to Collins', and the coach went back to Bunker's. He remained there, and the woman went down towards Mr. Collins' house; she returned and said the parties she was looking for were not at home, and they would come out another day; coming in she said she did not want to go to Lordly's again, and he finally took her to the Union Hotel, Union Street. On Saturday, they went out again in a coach; they stopped at about the same place; he remained there; after a time she came back again, and said the parties were at home; she would stop with them, and they would bring her in in time for the steamer on Monday morning, and for him to make arrangements to have her luggage taken to the boat. On Monday morning he went down there; there was some difficulty about the luggage coming down; it did come, and he had just time to put it on board, give her the check, shake hands and say good bye and the boat was off. During the conversation he said Mr. A. Craft told him that about six weeks before he had seen his girl; during the summer, he also said, he had received a letter from this girl, the writing and spelling of which was so bad that he had destroyed it. I said it was unfortunate he had done so, for if he had it now it might be a benefit to him. I think that is pretty near the



substance of what was said. I got a musket ball and hid it on the free stone sill of the police office door, and flattened it with the side of an axe. Then I put it on the tile and smoothed it. It was a musket bullet—lead; I have it.

Mr. TUCK.—Produce it.

Mr. THOMSON objects and says he does not know by what law evidence, manufactured behind the prisoner's back, can be admissible as evidence.

His Honor thinks it is not admissible.

Witness.—[Flattened piece of lead shown].—I have seen that before; it is lead; it has been made out of a round substance. [Witness wishes to explain why he thinks it was made from a round substance.]

Mr. THOMSON objects as witness is not skilled in such matters.

His Honor allows Mr. Thomson's objection.

Mr. THOMSON says this is a matter for the jury to consider, and wishes His Honor to take his objection.

Court adjourned till 2 o'clock.

Examination of J. R. Marshall resumed.

Cross-examined by Mr. Thomson.

I have known prisoner since he was a little boy; he was a member of my class in the Sabbath School; have been intimate with his family for years; had no desire that Munroe should say anything at the Police Office, but would rather he should not say anything. I said to him "you had better not say anything to any body." Then he went on with his story. That is all I said to him. These so far as I can remember, were the identical words I said, and that with an honest desire to deter him from saying anything. I did not take down what he said. I have given the substance of what he said as far as my memory went at the time. Since the adjournment of the Court I have thought of something else that occurred; I have not stated the substance of all he said; I spoke on several occasions of what he had said; I did go down stairs and told the Police Magistrate part of the circumstances.

Q.—Then you consider you done that as a friend? A.—I did.

Mr. THOMSON.—Then God save the poor victim who may be hereafter subjected to your friendship.

Q.—Did you not say, "Now John, if there is any person in whom you should have confidence, it should be in me. I have been acquainted with you and your family, and the whole connection, so long that you ought to have confidence in me. Now do tell me in confidence the whole of this un-

fortunate affair." Now sir, did you, or did you not use that language? A.—I did not.

Q.—On that occasion did you not put out your foot to Mr. Jones to stop the conversation? A.—I did.

Q.—Do you know Joseph Potts? A.—I do.

Q.—Is he a member of your singing class? A.—He is.

Q.—Did you not, at your singing place, or near the Centenary Church, tell Potts words to that effect? A.—I did not.

When the Sheriff entered, the conversation went on the same as it did before. It was between six and seven o'clock. Mr. Jones came in and sat down, and I sat down with him. I generally take my tea at six, but I had not taken tea at that time. My motives were friendship. I did not tell

Munroe that I intended to inform the Police Magistrate of the conversation. I think I told his father that I would do all I could for him—I think it was the next morning. I have never got hold of any members of Mr. Munroe's family or friends. I got all the information I could as an officer.

Q.—Did you not, the same afternoon he was arrested, meet old Mr. Munroe on Chipman's Hill, and say, "John, I am very sorry for this unfortunate affair, but I will keep you posted up in everything. Whatever John says to me will be in perfect confidence, and no action will be taken upon it?" A.—I did not use such words, or any thing like it.

I did not put persons in the way of John Munroe's friends, to extract information from prisoner. I was put on the track.

Q.—Do you or do you not, when prisoners are in custody, endeavour to extract information from them in the way of conversation, and then use it against them afterwards? A.—I do not.

Objected to by the ATTORNEY GENERAL.

His Honor.—I consider it is not a proper question.

Mr. THOMSON.—I will not continue the cross examination if the objection be taken.

Re-examined by Attorney General.

I feel it to be my duty, when a crime such as this, has been committed in the community, to use my best endeavours to ferret out the guilty party, and instruct my policemen to do the same, and I have done so in this instance.

THOMAS DALLIN, (who was not able to proceed with his examination in the forenoon from fainting) recalled.

I live about a mile from Mr. Collins; I was at home a year ago last November—on Hallow Eve; was home a week

after it and put a woman a woman the place but the

Examination

I live River father she has two miles the morning of a woman and been the

Cross

I live Black part of many times I was home.

Re-examination

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Examination

I am practice Coroner John; the years. 1 September of an admission of the they were shown] the dead kind of bl my knife temple down to the Coron my own of examination to view the temple pre a little rag ter of an in the interna

after it; was hauling hay off the low land and putting it in the barn; saw no strange woman and child there about that time, nor a woman named Clarke or Vail. I passed the place where the remains were found, but they were lifted when I passed by.

DAVID STUART, sworn.

*Examined by Mr. Tuck:*

I live at Upper Black River, on the Black River Road, in Garnett Settlement; my father is not living; my mother is a widow; she has been sick. I live a little better than two miles from Collins; was home during the months of October and November, 1868; was home Hallow Eve night; do not know of a woman and child, strangers, or a woman and child named Clarke or Vail having been there, or thereabouts.

*Cross-examined by Mr. Thomson:*

I live about ten or twenty rods from Black River; Garnett's Stream is the upper part of Black River. I could not say how many times I have been in on the Black River Road this summer—ten or a dozen times I suppose; did not perceive any smell where these remains were found. I know I was home because I never was away from home.

*Re-examined by Attorney General.*

From our place to Bunker's would be about two miles and three-quarters; no woman or child could have come there without my knowledge, in October, 1868.

DR. JAMES CHRISTIE, sworn.

*Examined by Mr. Tuck.*

I am a doctor of medicine, reside and practice in St. John; know Dr. Earle, the Coroner for the City and County of Saint John; have practiced medicine thirteen years. I saw these remains on the 17th of September last—they were human remains of an adult and child. I made an examination of them; would know them again if they were produced; [remains of skull shown] that is the skull I examined. Calvin Powers was present. I examined it in the dead house. It was covered with a kind of black matter; in scraping it with my knife, I found an opening in the left temple. Powers and I then took the skull down to the Coroner's (Dr. Earle's) office; the Coroner then directed me to take it to my own office and make a more thorough examination. I sawed the top off, in order to view the inside. I found that the left temple presented a nearly circular opening, a little ragged at its edges, about a quarter of an inch in diameter, the opening on the internal portion of the skull the same;

the opening is large, very rough and irregular; the edges have been broken off; a bullet always makes an opening larger than itself; [skull shown to Jury] made no further examination. I was out to where the remains were found—went out that same afternoon, Dr. Earle, Mr. Armstrong, of the *Globe*, and the Chief of Police accompanying me. We met Constable Powers, and, I think, Durant. We tied our horses and went in to the spot. I made particular search, expecting to find a bullet. I found, where I supposed the brain had run out, a piece of the internal table of a skull. I also found some fragments of clothing, and a piece of a soring, under the moss. What I supposed to be brain matter lay close alongside the rock; it seemed to be nearer towards the Quaco Road; I brought the portion of the skull home, washed it and examined it with a magnifying glass and found particles of lead on it; the particles of lead can be seen without a magnifying glass. (Examine it through the magnifying glass.) The particles are there still, but are a little tarnished. The piece I suppose to be about a quarter of an inch in diameter. I examined the aperture in the skull afterwards; you can see particles of lead on it with the naked eye, and quite distinctly with a magnifying glass; I came to the conclusion that the aperture was made with a pistol bullet; a 3.16th inch bullet would produce a hole of that size. I made some experiments on a skull in the office.

Q—What were they?

Objected by Mr. Thomson.

Mrs. HOWARD—I think it is quite admissible.

WITNESS—The experiment was upon another skull with a pistol carrying what they call a 22 cartridge—I think Smith & Wesson's. [Cartridge shown] It was the same size precisely as that. I took a skull and filled it with water, and covered it with a muscular tissue, and the standing off about two feet I fired the pistol so as it would discharge in about the same place as this aperture is found, then tried other experiments with the water and tissue. In the first two experiments the opening was exactly the same as this, only going through one side; in the other experiment on an empty bare skull the bullet went through both sides and mashed the skull a good deal. More than likely from a shot fired as this must have been, death would be instantaneous. I apprehend that death in this instance has been sudden, because the meningin artery has been severed, I gave the age of the person, before I knew

anything about who she was, to be from twenty to twenty-five. I judged from the teeth and the acuteness of the ridges in the skull. There was one tooth extracted, it must have been extracted some time ago. I could not tell by the skull the sex of the person. One of the front teeth is longer, overlapping the other. All the upper teeth are peculiar. The bones were very much mutilated, they bear evidence of being gnawed by animals. The first upper molar on the upper jaw is a little decayed; there is nothing very unusual in the front tooth overlapping. I found particles of lead upon the skull upon which I experimented, much the same, only apparently more, because of being fresh. I found a child's tooth (Tooth produced) I should say it was an anterior upper molar. The tooth would indicate the age of the child provided it had been cut through the gum; the enamel upon the tooth is not complete, therefore I would think it had not been cut. About twelve or fourteen months is the usual age for children to cut their molar teeth. (Witness examines tooth.) The enamel is imperfect. I saw other remains of a child there; saw a collar bone of a child. (Fragments of a child's bones shown.) There are some fragments here which I think I picked up myself. There is a piece of the outer table of the child's skull torn out, but my impression is, that it has been done by some animal's teeth, it is only external. I made no discovery by which I could distinguish the sex of the child. (Witness examines the large bone.) After examination of that large skull I have concluded that death has been occasioned by the severing of the mingling artery.

*Cross-examined by Mr. Thomson.*

I have never made any examination of cases where individuals have died from shooting, my experience of such cases has been limited. It is a scientific fact that water resists in a great degree. I am perfectly satisfied that with a skull filled with water and the experiment tried as it was in my office, there would not be so great a resistance to the pistol ball as there would if the person were either living or dead, and the skull covered and filled as it would be in such a case; I did not fire the shot myself in the experiment, it was done under my direction. My opinion, based upon experience and the principles laid down in "Hamilton on Military Surgery," is that a pistol ball fired at a living person's skull, would not go through both tables of the skull, but would lodge in the

the brain. If the body had lain there from October, 1868, it would certainly decompose by June last.

*Re-examined by Attorney General.*

There is no doubt but the skull of a living person would offer a greater resistance to a pistol ball than a skull filled with water. There is nothing very remarkable about the tooth which overlaps—there are many such; I see a person in front of me there now who has just such an one. In this case the tooth overlaps to the right—that is only peculiar in this particular case, because there might be another of exactly the same peculiarity. Decomposition would certainly take place by June, perhaps before; decomposition had not taken place fully in the skull; there was some of it cleaned off; the brain was very offensive at that time. The body has been eaten up because the bones were eaten. If the body had been buried there under the moss, in October, 1868, and never been disturbed until the time the remains were found, there would certainly be the decomposed matter remaining.

Lt. B. Borsosa, M. D., sworn,

*Examined by Mr. Twick.*

My profession is medicine; practice in St. John; have been practising 34 years. (Skull shown.) Saw that skull before in Doctor Christie's office; my curiosity brought me there, the top of the skull was not off at that time; the hole was of such a nature, as at once to cause me to conclude that it was made with a substance such as a ball might make, or some other projectile; so much so that it was thought that the particles of substance might be in it. There was decomposed matter in the skull; it was washed out, but nothing of the kind was found; I could not find any mark denoting that the substance had struck the opposite side; this was about the middle of September last. A few days after I examined the opening with a microscope; also a small piece of bone which Dr. Christie showed me. [Pieces of bone shown.] That looks like the piece I then saw; upon which I saw the marks which a small scraping of lead would occasion. I looked at the opening in the skull, and was puzzling myself where the substance might be found. I examined the aperture and found, as now appears, that the ball had passed through the skull, passing through the table and lodged inside in the brain. My opinion is this, that a wound occasioned with a projectile such as must have passed through the skull, as this appears, would cause instantaneous death. I conclude that it is the skull of an adult.

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It has all the teeth; there is one tooth absent on the left lower jaw; the teeth are a fine set, and remarkably sound for a person over 30 years of age. I don't care about saying anything about the age, as I have never given that consideration to teeth, which is demanded to pass an opinion in such a matter; there is nothing peculiar about the teeth, only they are not regular; one laps over the other, and one tooth is a little larger than the others.

Court Adjourned till Monday morning, 10 o'clock.

MONDAY MORNING, Dec. 13th.

The Court opened at 10 o'clock. About the same interest manifested by the spectators as has been since the commencement of the trial.

DR. T. A. D. FOSTER, DENTIST, sworn.

Examined by Mr. Tuck.

My profession is a Dentist; I practice in St. John; have been practising fourteen or fifteen years. [Skull shown.] There is one tooth wanting; it is the wisdom tooth on the left side. The teeth are irregular, and the left frontal incisor is longer and wider than the right, and over laps it. It would be a means of identification, to those who were familiarly acquainted, but would not be ordinarily noticed.

Mr. Thomson objects to the first part of this answer. His Honor allows it, subject to Mr. Thomson's objection.

Witness.—Most persons would not notice it at all. I observe that the teeth are extra good. I cannot say as to the age, further than he or she is over twenty, and might be under thirty or forty—it would be hard to say. [Child's tooth shown.] I should say that was a molar tooth of a child; the age would depend materially upon whether it was a first or second molar tooth. I should say, from observation by the naked eye, that the tooth had not been cut; there are no roots formed, and is imperfectly developed. It would be unsafe to state what age the child was.

Cross-examined by Mr. Thomson.

It may be over twelve months; if it is the first molar it would be ten months; that would be the earliest; if it was a second molar, it would be fourteen or fifteen months; supposing the tooth was cut, in the first instance, it would be 11 or 12 months. There is nothing uncommon about the appearance of the tooth, only their irregularity; it is more uncommon to see teeth

Re-examined by Atty. General.

If it is an anterior molar and cut, it would be 11 or 12 months, if the other, it would be 14 or 16. This tooth is imperfect; it has some enamel. At from 10 to 12 months the tooth would be found forcing its way through; the tooth would not be so far advanced in the gum of a child 6 months old; not as far advanced in a child 7 or 8 months. I speak on the authority of others who have examined children at the age of 8 months.

To Mr. Thomson—I believe, generally speaking, it would not be in so perfect a state as this.

To Atty. Gen.—It would be similar to this tooth at 9 months; not quite so far advanced. I should think. I refer to "Bell" on teeth and "Fox" and "Hay" as my authority on teeth.

DR. JOSEPH C. HATFIELD, sworn.

I am a dentist and have practised 18 years. [Skull shown.] The third molar or wisdom tooth of the left side is gone. The teeth otherwise are good, except a little irregularity. The right central incisor of the upper jaw overlaps the right lateral. Witness correcting himself said, I think it is the second molar that was extracted and not the third as I at first supposed. I did not observe the space between these two teeth at first. It is hard to say. The central incisors of the upper jaw are large and the left lateral is larger than the corresponding tooth on the other side. These long accustomed to seeing the tooth might observe this. I have, however, often seen something similar. [Child's tooth shown.] This, I should suppose to be the first or second molar of a child. From the size of it I should judge it to be the first molar. I should think it had not been cut through the gum. The enamel is imperfect and the root is not perfectly formed. Children at their teeth at different ages. They vary so much that it is impossible to tell—usually that should not be cut before from 12 to 16 or 18 months. From my own experience I cannot tell what the age of the child might be when the tooth was in that condition, never having extracted or seen one in this state. I judge from the appearance of the tooth that it had never been erupted, and that as the tooth is usually erupted at from 12 to 14 months, I judge that the child must have been of that age. There is so much variation in the time of getting these teeth you cannot tell accurately. To Mr. Thomson.—The objection with regard to teeth is that they should be regu-



not think that the enamel would be thus injured by exposure to the weather for a year. This tooth is not nearly perfect. I could not say in point of time how far this tooth is from perfection. I should say from three to four months or more, probably from three to six months. I have seen the jaws and teeth of a child which died before the teeth were erupted but I have not made any particular examination.

To ATT. GEN.—When children cut their front teeth at an early age, I have observed that they generally cut the molar teeth early also.

CHARLES B. FISK.

I am a physician and dentist; I have practiced dentistry about 25 years and medicine since 1843 or 1844. (Skull shown). The teeth are perfect except that one tooth is absent in the lower jaw. From appearance I would judge that the second molar was extracted previous to the growth of the 3rd molar or wisdom tooth or rather previous to its eruption. The wisdom tooth has grown from and nearly into the place of the second molar. The wisdom tooth erupts from 18 to 25, and this tooth corresponds almost precisely with the wisdom tooth on the opposite side—the shape of the cusps. All the four wisdom teeth are still in the jaw. The formation of the teeth is very fine. The irregularity in the front teeth is very pleasing, would give a pleasing expression to the features; something not to be forgotten by friends but may not be noticed by strangers. The principal irregularity is that the front central incisor lops over the right lateral. (Child's teeth shown). I should call this an undeveloped child's tooth, not erupted. I should suppose lying a considerable time under hard cellular tissue in the child's mouth. It is without any doubt a first molar of the lower jaw. I speak from my own observation. The roots are scarcely developed enough. Still I judge it to be of the lower jaw. I should say the child in whose jaw this tooth was, was considerably under a year, but there is no rule. It is the first tooth to be formed in the head and the embryonic stage it began to be formed in the embryo week, not the day or early formation but the germ begins to be formed. I should say on an average that a tooth in this state would exist in a child nine or ten months old. I have seen this tooth in a child seven months old and have cut down to it, but then it was through tough cellular tissue. It would average about twelve months when this tooth is erupted. Physi-

cians in ordinary practice would be better able to speak on this subject than a dentist as we are seldom called upon to deal with teeth in this state.

To MR. THOMSON.—The enamel would be affected by atmospheric action in a year. I observe that there is another substance which remains upon the tooth until it is erupted. This is the cementum, a very thin covering. The tooth might belong to a child from six to twelve or fourteen months old because the growth varies so much. The exception is to find the set of teeth in an adult regular. This irregularity is rather remarkable, but it is not one I would attempt to remedy.

To ATT. GEN.—The teeth are exceptionally fine. This child's tooth might belong to a child from six to fourteen months old. When the incisors are cut early we find that the molars are also cut at an early period.

WILLIAM WILSON.

Was at the place where the remains were found; was there in September; found a button like the one produced on a flat shelving rock from which moss had been pulled. Gave it to Mr. Powers.

ROBERT HOLMES.

In passing to my farm in the Caledonia Settlement along the Quaco Road—it may be in May or June last—I perceived a bad smell. I was not at the place where the remains were found. The place where I perceived the smell was about half way between the forks and Mr. McClellan's, near where the soldiers used to encamp; it may be a mile from the Forks. In the Fall of 1868 I was out there, and remarked a coach drive up to Bunker's. I was at this side of Bunker's. I went over the bridge and turned up to my own place. I saw a man coming up the Black River Road, and saw a man whom I took to be a man named Moore coming towards Bunker's. I saw him first come up the Black River Road, pass the Forks and go on towards Bunker's. I don't know who he was.

Cross-examined by Mr. Thomson.

I saw the coach turn off the road, up to Bunker's. I can't say whether it was the day I had a wagon on a horse and blanket. I saw the man walking up the Black River Road, as I went down near the forks and looking around afterwards saw him walk towards Bunker's. It might have been ten or twelve or fifteen minutes from the time I saw the coach drive into Bunker's until I saw the man on the Black River Road.

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The ATTORNEY GENERAL proposed to call Mrs. Olive to state the time at which she gave Sarah Margaret Vall the pattern of the skirt &c. Mr. Thomson objected. The Judge would admit the evidence, but the Attorney General decided he would not recall her.

#### CALVIN POWERS,

Was sent out by the Coroner, Dr. Earle, to the place where the remains were said to be, and under the directions of the Coroner, who afterwards came on the ground, he gathered up what he saw of the remains. He identified what he found—the skull, fragments of the bones, portions of a black dress with some of the hooks and eyes fastened, the hair, and identified these articles. Mr. Thomson had the hair in his possession for a time. It is not exactly in the same state. The water-fall is opened out a little, and it looks as if some locks had been cut off. I do not swear that any was cut off. He also identified the fragments of the woman's shawl, the child's sock, the pieces of the child's skull brought in by Mr. March, the child's hair, part of which Mr. Knowles gave him, bones brought in by Mr. March, parts of the woman's straw hat, the child's shoe and stocking, portions of woman's and a child's underclothing. The greater part he brought in himself. He could not tell exactly who had given him the others. (He had allowed what he gathered and what others had afterwards brought to him and the coroner to be all mixed up so that he could not positively identify many of the smaller articles.) Mr. Morrison gave him two buttons, and Mr. Wilson gave him another button. The top of the woman's stocking was brought in by Mr. March. Portions of trimming witness gathered up and fragments of a pink apron. Other portions were brought in by other parties. Witness brought woman's Berlin sowing and child's sowing. There is a button on the child's sowing. This corresponds with a button he saw since which was in the trunk from Boston—in the small trunk. (Buttress compared and shown to the jury. They were exactly alike.) Witness also brought in the hoop skirt. Pieces of Berlin shawl brought in. Nothing was under them when he saw them. The pieces of the bonnet which remained on the dress and corresponded with the brush were seen by Dr. Earle, and Mr. Douglas cut them off and gave them to witness. They were produced and some of them were shown to the jury. Witness also identified child's dress and cape and Berlin hood, and the child's bandage with the

leadern truss which he took out himself in the Dead House. It partly dropped loose out. The lead was in it when he found it. There was cotton inside and outside, and it was sewed through on both sides. Found also three child's undershirts. There was apparently a bullet hole in the larger skull; searched for the bullet, but could not find it. Found some child's hair himself. Mr. March and Mr. Knowles gave him portions of the hair. The second day, digging down, he found, a foot or more under the moss, the tassel of a Berlin sowing. Witness also found the fragments of the embroidered skirt and drawers which were so frequently identified. Witness showed on Mr. Walton's plan where the skull of the woman and other articles were found. These articles were left in the dead house, next day were brought into Court, and since they have been kept at Dr. Earle's, in the trunk in which they were now brought to Court. The trunk, brought from Boston, and its contents, were kept at Dr. Earle's also. Mr. Thomson was allowed to take away a child's skirt for a time. The child's dress and the pinafore found in the trunk were compared with those found on the ground. They appear to be of the same materials.

TO THE JUDGE—That is the trunk which was got to keep those things in, and it was kept locked. Only Dr. Earle had access to it.

#### GEORGE JOHNSON HARDING,

I reside at present at Negro Town Point. My profession is the medical. I have been practising since 1831. I have seen Sarah Margaret Vall. It is some time since I saw her. Some years ago I had a property adjoining Mr. Vall's, and I resided there in winter. The winter before last was the last time I saw her. I saw a statement that I did extract a tooth from her, and I tried to recollect. I cannot positively recollect, but I am under the impression—

MR. THOMSON—I object to impressions of this kind.

DR. HARDING—Well, really I can say no more; but I am under the impression that I did.

MR. THOMSON—How dare you, sir, after I stopped you, force out this statement of what your impression is? Don't you know that a man is on trial for his life?

WITNESS—Really I only say what my impression is.

MR. THOMSON—We don't want your impressions.

WITNESS—Then why was I summoned as a witness at all? I have no distinct recollection of the matter. To

HENRY CONNOLLY.

*Examined by Mr. Tuck.*

I live on the road leading to Black River, about two and a half miles from Bunker's. The first house from Bunker's is John Collins'; the next is Porter's; the next is Boss Moore's—Robt. Moore's. I live next to Moore, the breadth of three fifty acre lots, each twenty rods wide. My brother John and I live on one farm. We divided the farm of 150 acres. He lives near me; a little lane divides us. My brother is now sick and unable to come in. I cannot say that I was at home in October or November, 1868. I work away from home a good deal at ship work, at Quaco and Tynemouth Creek. When I am working away from home I generally remain away three weeks at a time. Do not remember Halloween of 1868. Have a wife and child, a little boy. Cannot say if my wife was at home that time. I do not know of a strange woman and child being at my house in October or November, 1868. I did not know a woman of the name of Clarke, or a woman named Vail. I do not know of any such persons being brought in from that neighborhood in 1868. The settlement in which I live is known as Bloomsbury. My brother has been four or five days sick. He may be able to come in. He is not married. My mother lives with him.

*Cross examined by Mr. Thompson;*

I did not say I was at work at Quaco or Tynemouth Creek in October 1868; I do not remember. I generally am away working in the ship-yards when I can spare time from home.

TO ATTORNEY GENERAL—Wm. Garnett lives next beyond John Connolly, and Mrs. Stewart next; she has sons. Next is Tom Dalling's; next is Tom Stewart's; next James Garnett; next Geo. Garnett; next Mrs. Ennis. There is a long distance to the next house. That is the last of the settlement. From Bunker's to George Garnett's is about three miles and some rods.

Court adjourned till 2 o'clock.

#### AFTERNOON.

HUMPHREY T. GILBERT, ESQ.

sworn. In consequence of what the Coroner, Dr. Earle, told me, I sent for the prisoner, John A. Munroe, on September 21st, about half-past five o'clock in the evening. When he came, the Coroner and Chief of Police were present. I said to Munroe that I was happy to hear from the Coroner that he was willing to surrender himself during the pendency of the inquest then being

held. I told him that having understood from the Coroner that a murder had been committed, and that the evidence pointed towards him, I felt it my duty to place him under arrest. I told him that the evidence would be frightfully strong against him, and advised him to say nothing to anybody—to keep his own counsel, and whatever he wished to say to say only through his counsel. I understood at the time that Mr. Thomson was his counsel. I then directed Mr. Marshall, Chief of Police, to have him removed in custody. [Depositions produced.] These depositions were taken before me by my clerk, Charles Chandler. One of these is the deposition of William Lake, taken in presence of the prisoner and his counsel, Mr. Jordan. There was full opportunity of cross-examination, and I invariably called on him and his counsel to know if they wished to put any questions or make any statement.

Mr. Gilbert then described how the depositions were taken. The witness was first sworn, then the depositions were taken, then they were read over to the witness in presence of the prisoner and his counsel, then signed by the witness and again sworn to, and then countersigned by me. This was on October 6th.

CHARLES CHANDLER,

sworn. I took both the depositions of William Lake; when taken were read to Mr. Lake, signed by him, sworn to by him.

PHILLIP JANE ORR,

sworn. I am a married woman; have been married six years the 28th of April next. I reside in Halifax, N. S. My husband is living—his name is Robert G. Crear. Before I went to Halifax, I resided in Captain Rufus Patterson's house, Blue Rock, Carleton. Went to Halifax on the 27th May last. I lived in Captain Patterson's from the 2nd of the previous August. Before that I lived in my sister's house, Parish of Lancaster, near Carleton. My father's name was John Vail; he will be dead two years on the 16th of this month. My mother has been dead twenty years the fourth of last month. When my father died he was residing in the Parish of Lancaster, just over the city road. There were ten children of us altogether. One is dead, Jacob is in Minnesota; John is in Prince Edward Island; William, the foolish one, is in the Lunatic Asylum; James is dead;

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Rebecca Ann Olive lives in Lancaster; Millicent Eliza Turnbull is dead; Statira Jenkins, is in I think they call it Duke's Island, beyond Rothesay; Phillis Jane Crear—that is myself; Chloe Turnbull—she lives in South Bay; and Sarah Margaret Vail. She was a single woman; she was the youngest; there is no other single woman in the family. She lived in her father's house in the Parish of Lancaster, the same in which I said I lived. She lived there at the time of her father's death. No one but she and her father lived there at the time of my father's death. I went there to live on Dec. 16th, the same night that my father died, and remained there to August 2nd, 1868, and then went to Capt. Paterson's. My sister would be 25 years old the 26th of January coming. I know the prisoner at the bar: I have been four years this last summer acquainted with him; became acquainted with him on Mr. McCarthy's Pic-Nic Grounds, Caileton; that was the first time I saw him. I and my sister were there—we stopped there until five o'clock. When coming off the grounds Mr. Munroe and another gentleman came behind us. My sister had bet me that I couldn't hit a tree in front of me. Mr. Munroe said he'd bet me a quarter I couldn't hit the tree. I made the same reply to him that I made to my sister, but I did not hit the tree. We all then came off the grounds together—I, Mr. Munroe and my sister. We walked down the road together until we came to my house. I was then living in the house of Mr. Ephraim Eaton, near Blue Rock. My sister asked Mr. Munroe to come in; he said he couldn't, as he wanted to catch the boat. She asked him again to come in, and he did so. He said that neither I nor my sister was married. He said that we were only keeping house there together. I went to the bureau drawer and got out my marriage certificate. I handed it to Mr. Munroe and he looked at it. He said "I know who you are now, you are married to Crear in town." That was the way he said it. I put the certificate back in the bureau and went out of the room to get tea ready for my husband. I left them in the room—my front room. When I went back my sister said she must go home. Mr. Munroe said he must go also. They went out together. I watched them, and saw them turn down Mr. Rowley's hill. My sister lived a mile and a half or two miles from my house. I did not see them until the day following, when they both came to

my house together. It was about half-past two o'clock when they came, and it was seven or eight when they left. I know it was after dark. They went away together as before. I did not see them again until the Sunday following. My sister was at the house. She came a little after one; Mr. Munroe did not get there until three. He remained for tea. Mr. Munroe, Sarah Margaret, Mr. Crear and myself took tea together. My sister told Mr. Munroe that she heard he was a married man, and he said he was not a married man. He said it was his brother George that was married. I told him I knew better, for Mr. Crear had told me he was a married man. That he was married to Mr. Pott's daughter and had a child, and he only laughed at me and did not say whether he was or not. They were alone together themselves for a long time, and I did not hear what conversation passed between them. When he was in company with Mr. Crear and me and her he was talking about business affairs, about drawing plans and painting. They were a good while together alone. They stopped until it was a good while after dark. It was pretty near seven o'clock when they both went from the house together. I saw him backwards and forwards to the house on several occasions. This continued while I stayed in Mr. Eaton's house, and that was for a year and better. Sometimes he came three and four times a week, and if she was not there he used to send for her. I left Eaton's house on the first of May. I don't know exactly what year, and then I went to Mr. Trainor's house at Blue Rock. I saw him afterwards three or four times in the Trainor house. My sister and myself would be there when he was. He was not there more than half a dozen times altogether. I lived there until December 16th, 1868, when my father died. Then I went to live with my sister, and I remained there until August 2nd, following. During that time I saw the prisoner very often. Only Sarah Margaret Vail, Mr. Crear, myself and my little daughter lived in the house. Sometimes Mr. Munroe would come once a week, sometimes twice a week. My daughter was 13 years old last October. I remember that Mr. Munroe came to my house one Saturday when I was scrubbing the house. My sister was sitting near the cooking stove. She began to jaw him when he came in for how he had seduced her. This was I think in February, some time before her child was born. He went over, took her and set her on his lap. I told him he must wait a load, and he said



he could hold four or five more just the same as she was. My sister kept on crying. He said to her "Maggie, if I get some poison will you go and poison my wife." I rise myself to my knees and said "John Munroe, look out the day don't come that I may have to bring this against you." I was scrubbing at the time. I only said it in fun, I did not think it would ever come to this, or that I should ever be called on to do so. He only stopped a few minutes and then went away. It was a week or fortnight after when he came again to the house. My sister was sitting in the front room; Mr. Munroe and I were standing—all three in the front room. My sister was crying, making a great time about her father being dead. She said she had no friends left her. Mr. Munroe says "ain't I a friend to you?" She said "no he wasn't, to go home to his wife and child." Says he "Maggie, if I get some poison will you go and poison my wife for me?" She said she would have nothing to do with it, to go and do it himself if he wanted to. We all three then came out together. We did not stop long after in the house, but came out. He went away again. I never saw him but once again until the child was born, I saw him then at my sister's house—the same house. They were together alone in the front room, I could not hear their conversation. My sister Sarah Margaret had a child on the 4th of February; a female child. Dr. Peters and myself were present. I went for Dr. Peters myself at 8 o'clock and he did not come until ten. Mr. Munroe had told me to get any doctor I liked and he would see him paid. This was in my sister's house. The child was ruptured at the navel. In consequence of what Dr. Peters told me. I bought a putney, cut it in two, and sewed the half in a little pocket, and I put the rounding part so that it would shove the navel into its place. This did the child no good at all. Then I took a leaden bullet and flattened it out and punched holes in it. This was in consequence of what a nurse told me. I had no other lead, and I took a bullet which my father had run for an old musket. I think they called it a King George's. I placed the bullet upon the hearth and with a narrow axe mashed it flat. I used the back of the axe. I called it the eye, not the flat of the axe, the pole. I flattened it out so that it was about as large as a 60 cent piece. Then I took an awl and punched holes all around the edge of it. Then took a piece of new unbleached cotton about a little broader than a man's hand, and then sewed the piece of lead on it

round and round. When I punched them, the holes were a kind of rough; and I took a rasp and rasped them smooth. That was put across the child's body and pinned to the back with three pins. I put the lead right in the center part of the bandage so as to go on the navel. The cotton was doubled. It was made so that when doubled it was a little broader than a man's hand, and the lead was placed between. I don't know exactly how many holes there were in the piece of lead. I think I should most positively know the piece of lead. (Truss shown.) Yes, sir, that is the piece of lead that I smashed; that was a bullet for father's gun. I swear most positively that is the same. I should know the cotton if I saw it. (Bandage shown.) That is not the one I made; that is flannel; it was cotton that I made. This has had cotton on the outside, but it was pulled off. I see some of the cotton that was on the bandage first; it was factory or unbleached cotton; this is the same. This—the bandage and truss—remained on the child from April until August 2nd, when I left the house. The cotton I had bought at Mr. Armstrong's; it was my own. The next time I saw the prisoner was a week or fortnight after the child was born; he came to the house. I had the child in my arms, and I said, "John, how do you like your child?" and he said, "It is a pretty little thing; it is like its mother." He went into the front room where my sister was. What passed between them I do not know. He never brought anything for the child to the house. Before the child was born I went on two or three different occasions to see Munroe, to ask him for money to get something for the child. I asked him if he would not give me some money for my sister, to get some things to prepare for the child when it should be born. He said he had no money then, but he would bring some when the child was born. I went to him three times. He never brought her any money, but he sent a letter with three dollars. I spoke to him after the child was born on this subject. I said to him that he knew he was doing wrong to the girl, that she had no father or mother, and he was a married man, and had a child of his own. He said he was sorry; he knew it was wrong, but he did not know what he could do, as she seemed to like him, and kept sticking up to him. Another time I was talking to him about it, and I saw him shed tears, but he did not seem to say much. I also got a letter out of the Post Office with five dollars for my sister. There were also two five dollar bills and three oranges fetched to the house for her. This was just after

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the child was born. He came to the house once or twice, and wanted to take the child away, and I told him not to, to give it to me, and I would take care of it. I never had any more conversation with him about that. I heard Munroe and my sister talk about selling the property when my husband and I were preparing to go to Halifax, when he got work there. He wanted her to sell her place and go with us, as he would have a better chance of going to see her there, being as how it was getting rumored around here that he was going with her; or else he said that if she did not wish to do that to sell it and go to the States, and the money she would get for it would keep her until he could give her some. He said he would take her to the States. When I told her not to have him coming to the place, that I would get as bad a name as her, and not to sell her place, she got mad with us and turned us out. This was in Aug., and next day, Monday, we went to Mr. Pattison's house. I saw the prisoner no more. That was August, 1868. My sister was about half a head taller than I am. She was light complected, had light brown hair, and was a very good-looking girl. She was stouter than I am. She had a splendid set of teeth. They were very white, and one of the upper teeth lapped a little over her under teeth. They were a fine set of teeth except that this one was a little larger and longer than the others. The rest of the teeth were good except one in the lower jaw, on the left side of her head, which Dr. George Harding drew about five or six years ago. Another was a little decayed. I think it was one of the upper jaw. I often saw her pick it with a pin, but don't know which it was. (Skull shown to witness, who appeared to grow faint while examining it, and for a time leaned against the side of the stand, but afterwards examined it very minutely. She then proceeded.) Yes, these—the front teeth—are the teeth, and there is the one that is gone and that is the decayed one which she used to sit and pick with a pin. I say these are my sister's teeth if ever I saw them in her head before in my life. I had the care of my sister from the time she was five years old until I was married. I have been married six years the 28th of April coming. My sister had a great quantity of hair on her head, the greatest quantity of any of the sisters. Her hair was divided at the back, braided and rolled up in a waterfall while the front was divided, twisted round and carried back round the waterfall. I could recognize it. (Hair shown.) That is the same

way she used to wear her's, but it has been pulled out since I saw it, at the request, and some of it I guess is gone since I saw it at the request. There are marks of the scissors. She never had her hair cut in this way. I swear positively that is the hair my sister wore when I last saw her. There is where it was divided in front rolled at the ends and carried round the waterfall. The witness began to cry, and for some time the examination was suspended.

## EXAMINATION RESUMED.

The witness still sobbing—My sister had a black Alpaca dress that I bought for her at John Armstrong's some time in March, 1868. (Remains of dress shown.) Yes, sir, that is a piece of the skirt of the dress for which I paid 16 cents a yard. It was thin and poor. I asked for black Alpaca and they sold this to me for that. I cut and made the dress myself. The only trimming it had was some black worsted braid. There, sir, is a piece of it for which I paid 3 cents a yard at Mr. John Armstrong's. The dress was made low necked and short sleeved. You see here where it was bound at the top and bottom. The reason I made it was that she was nursing and she was ashamed to go to any one to get it made. It was made gown way and hooked up the front. There are some of the hooks still. I can swear positive I made that dress. There is my sewing, it is not very good. I am positive I bought this dress and made it for my sister, Sarah Margaret Vail. She had a dark grey whitney cloth sacque. I bought the cloth at Mr. James Manson's. I paid 80 cents a yard for it; there were 24 yards. It was just before father died. (Piece of sacque shown.) There's a piece of the back with the binding round the neck of it. This is where the arms were cut off, and this piece is part of the sleeve where the hand went in and here is the black binding round it. The sacque was made by Mrs. Cynthia Dykeman. All this heavy thick stuff belongs to her sacque. This thin stuff mixed up with it I know nothing about. The binding of the sacque and that of the dress are of the same kind but they were not got at the same time. This on the dress cost 3 cents a yard, that on the sacque cost but 2 cents. The braid for the sacque was got at Mr. Manson's. The braid for the dress and the dress, I bought at Armstrong's. I should know two dresses the child had and a skirt with another waist. (Child's dress found on ground shown.) That is one of the two dresses that was made out of my

sister's own dresses.—This is the one she kept to put on the child when she went out. This was a dress my sister had when my father died. The child had no decent dress, so she tore up one of her own to make her some. I helped her to rip the dress and make those up. This (the dress found in the trunk) is the other dress made of the same material only that one is faded from lying out. What makes me so positive is that I made this pig nose trimming which is on the dress found in the trunk. The other dress had what are called ruffles. I helped to make those ruffles. Witness showed how the "pig nose" is made. I ran every bit of those ruffles (on the dress found on the ground) with my own hands. I know my own work. It is none of the best. I made the trimmings for both these dresses myself. I think I should know the child's hair. (Hair shown). That's just as much like its little hair as if it was just now taken off its head, only it has some dirt in it. I know it. I so often combed and washed that child's head. I had the combing and washing of the child all the while I stopped there, and that makes me so positive. I combed and dressed my sister's hair many a time while she was sick—her front hair, but I never combed her back hair for she was lying in bed. (Fragments of embroidery shown). This is part of a skirt she had. It is called "wheel work." This underskirt was made a year and better before my father died. Sarah Margaret Vail did the work. Witness after examining the mass of shreds and fragments selected the pieces of this underskirt and said there are four pieces of this skirt. Mrs. Olive drew the pattern for her. I gave her the materials and she came to me as she had each breadth worked to get more materials. The cotton for embroidery is not the ordinary sewing cotton. The work is not well done; it is the first she did. It is very poorly done; I seen her work it at my house. The witness described the peculiar manner in which her sister did the work. She first had the pattern drawn; then she traced it with thread. This would draw it together, and when she cut out the holes there would not be so many holes as were in the pattern. She did her's always by tracing, and Mrs. Olive did her's without tracing. Witness here described the difference between wheel and compass work. Another piece of embroidery selected. This is a piece of her drawers bottom. This she worked herself also from a pattern given her by Mrs. Olive. This, also, she had to trace with

rubbing out the original pattern. Witness again explained to the Judge why, in consequence of tracing the pattern with thread the holes must sometimes be fewer than in the pattern. (Skirt found in trunk shown). Without anything further, I could swear to that tracing, the way it is sewed on, and there is the color on it from her blue dress. There is one row of crochet insertion all the way round, and there are two in front. I swear positively that is Sarah Margaret Vail's dress. She worked it in my house, and many and many's the time Mr. Munroe had that work in his hands, and said how nice it would look when made up, as often as he had fingers and toes. I made that up myself and wore it once myself when going to see Mr. Munroe at his father's. This pattern she got from Mrs. Olive, also; it is called a shawl pattern, a cashmere pattern, although Mrs. Olive has not the whole of the pattern, for her skirt was too long, she had the top of the pattern cut off. (Blue dress found in trunk shown). I'm positive as I know I'm sitting here that that is her dress made by Mrs. Dykeman, Carleton. I bought that dress with money Mr. John A. Munroe gave her in my presence. He gave her a \$2 bill, I gave \$1.20 for the pattern of the dress at Mr. Armstrong's. There were eleven buttons in front, only five of them are left. (Another garment produced). I can swear that is the little child's chemise. I made a present of it to the child and cut it out myself. I know the crochet work the mother put in it. (Drawers shown). I can swear to them positively by their being ripped open, there is something else I know also, those two buttons, and also the crochet work which is the same pattern as was in the child's chemise. They are ripped up in the front in the very place where I saw her rip it myself. I want nothing more than I have seen this evening to know that those are the remains of my poor murdered sister. Witness described a child's petticoat of unbleached cotton the same as the bandage and the crochet work around the bottom. This was looked for and found. Witness said—This is the petticoat, I know my own sewing in it; I know also the remains of a straw hat which I got dyed and trimmed for her. (Remains of hat shown). That is part of the hat I got dyed and trimmed for my sister by Mrs. Jane Campbell. She had a white hat and I got it dyed. There is the same straw, the same black silk illusion, the same narrow black gauze ribbon, and black crepe flowers. Those are just the same. I have some of

self, and five thousand May, I bell's. flowers the flow Thomas compared it was a photograph, and when shown to my brother the likeness aunt Margaret sister. When I half a and Mr. of mine, sister who hung from Frederick A. Munroe gave it to had very nothing of sister have since the sister and thing about not on go I know when ceased, it died. The drawers, of me long but Munroe about six together pret Olive found There is the on the hat is the piece her waist—Manson's same on that about house. It when I brother's the upper teeth it was three its teeth. in the lower then the months old teeth. It months old had a little duce is the it up in D was playing

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self, and wore on my own hat. I am pos-  
sive those are the same. I think this was in  
May. I bought mine also in Mrs. Camp-  
bell's. Witness produced her own crape  
flowers and the jury compared them with  
the flowers found on the ground. Mr.  
Thomson again objected to this evidence by  
comparison. The Judge again decided that  
it was admissible. Witness next described  
photographs which she knew her sister had,  
and when those found in the trunk were  
shown her, she said—This is the likeness of  
my brother who is in Minnesota. These are  
the likenesses of uncle David Nickerson and  
aunt Margaret Nickerson, my father's young-  
est sister now in Canada. This is my own.  
When I had this taken my sister also got  
half a dozen photographs of herself,  
and Mr. Munroe took fear of them and one  
of mine. He also got an ambrotype of my  
sister which he wore in the pocket he had  
hung from his watch when he went to  
Fredericton. This is the likeness of John  
A. Munroe. I knew she had this for he  
gave it to her in my presence. The child  
had very small teeth when I left. I know  
nothing of any pink tress. I never saw my  
sister have any money. It's over two years  
since the difference occurred between my  
sister and Mrs. Olive. I don't know any-  
thing about their falling out, for I was  
not on good terms with Mrs. Olive myself.  
I know when my sister's visits to Mrs. Olive  
ceased, it was two months before my father  
died. The work on the undershirt and  
drawers, of which the fragments were shown  
me long before this, was done after Mr.  
Munroe and my sister became acquainted,  
about six months. They were going to-  
gether pretty nearly two years before Mrs.  
Olive found it out. (Ribbon shown).  
There is the narrow gauze ribbon that was  
on the hat. (Waist ribbon shown.) That  
is the piece of ribbon she wore round  
her waist—I bought that at Mr. James  
Manson's myself; I have some of the  
same on my own basquine. I bought  
that about a week before I left my sister's  
house. It was the last week in June  
when I bought it. When I left my sis-  
ter's the child had four lower and four  
upper teeth—this was the 2nd of August.  
It was three months old when it first out  
its teeth. It had two come through first  
in the lower jaw, then two in the upper,  
then the other four came. It was five  
months old pretty near when it had these  
teeth. It was within two days of six  
months old when last I saw it. My sister  
had a little scent bottle; this now pro-  
duced is the same. My little girl picked  
it up in Dr. Harding's yard when she  
was playing there, and Sarah Margaret

took it from her to get some scent in it.  
[Child's socks produced.] I never saw  
any of these. [Hair not shown.] I pro-  
duced that with my own hands out of  
black common thread, and I gave it to  
Sarah Margaret. I crocheted another for  
myself. [Veil shown.] I know nothing  
of that. [Child's hat shown.] I know  
nothing of that—the child had only a lit-  
tle hood when I left it. [Child's saquee  
shown.] I never saw that. [Woman's  
stockings shown.] I know nothing of  
that. [Woman's undershirt shown.] I  
know that; it is the same as that I gave  
the baby. [Ring box with hair shown.]  
That is my father's hair, and that is the  
box which contained a finger ring John  
Munroe gave my sister, and for which  
he said he paid \$4. [Other undershirts,  
buttons, etc., shown, which the witness  
said she had never seen to her know-  
ledge. Child's skirt produced.] That  
belongs to the child of my sister, Mrs.  
Olive; from this the pattern of the skirt  
of Sarah Margaret was drawn; worked  
on the pattern of this, it would not have  
the same number of holes.

Mr. Thomson objected to this evidence,  
and the witness stating that she did not  
see the pattern drawn the evidence was  
excluded.

I last saw the trunk on the child on the  
Sunday before I left my sister's. It was  
on continually from the time I made it  
until I left the house and then I left it on.

#### Cross examined by Mr. Thomson:

I never before was called upon to re-  
cognize clothes that had so long been ex-  
posed to the weather. I did not part with  
my sister in ill temper. She turned me  
out, but the dispute was the day before,  
and we spoke when we parted. I never  
said I did not care what became of my  
sister after that. My little girl had not  
the same chance of seeing what was going  
on as I had, as she was at school. I first  
knew Munroe was a married man about  
two weeks after he began to come to the  
house; I told my sister. Although I  
was examined twice before, I did not say  
that Munroe wanted my sister to go with  
me to Halifax; I was never asked about  
it. He proposed that she should go with  
me in order that he could visit her un-  
known to his wife. He did not seem  
to care much whether she went with me  
or with him, as long as it answered his  
purpose. I would not object, if she  
wished to go with me, but she would not  
consent to go, and I said nothing. He  
had such influence with her he could get  
her to do anything he pleased. He was  
then working at Mr. Clark's house, and  
she would have better opportunities of  
seeing him there and she would not go  
away. I saw a great deal of embroidery





time afterwards with St. John. The next I then saw was the baby's skull. I was not at home on either occasion in October, 1899, when a coach, a man, a woman and child came to my house. I was away at my farm across the lake. My nephew, George Bunker, was in charge of my house at the time.

*Cross-examined by Mr. Thomson.*

I heard the coach was out. I do not remember whether there were heavy rains that week. I cannot tell what is the distance between the Black River and the Quaco Road. The distance from my house to the place where the remains were found is said to be about three quarters of a mile. A gentleman who was out at my house said he walked the distance in fifteen and a half minutes. I don't know whether that was very smart walking. That road is seldom very wet. It is rather a dry road.

ELIZABETH CUNNINGHAM,

I live in St. John. I know the Black River Road. I was out there last April at a funeral. My brother, George, and my sisters were with me. I don't know exactly the place where the remains were found, but I know pretty near. We drove past it about four or five o'clock in the afternoon. We perceived a very bad smell. This was between Collins' and Bunker's, before we came to the forks of the road. The day was foggy and the wind blew from that side of the road. It was a dreadful smell. I never felt anything like it before. The horses shied, but I can not tell whether it was the smell caused them to do so. I can not describe the smell at all.

*Cross-examined by Mr. Thomson.*

This was in the last days of April. We were at a funeral; I was along the road since in August, and found no smell then. I don't know exactly the spot where the remains were found.

ALLEN KING, M. D.

Proved that William Lake, of the Union Hotel is very ill of chronic rheumatism, and unable to leave his bed.

The ATTORNEY GENERAL then moved that the deposition of Mr. Lake be put in evidence. After consulting the Act of Assembly, Mr. Thomson had to admit that all the requirements of the Act were complied with, and that the evidence, if pressed, must be admitted. Meantime another witness was called.

SYLVESTER EARN, M. D.

I am a physician, and Coroner for the

City and County of St. John; now residing in St. John; have been Coroner about a year, but cannot say precisely. I went out on September 18th, to the place on the Black River road where the remains were found. Mr. O. Armstrong, of the *Globe*, was with me; I sent Powers, the constable, before me. The place is, I think, a quarter of a mile from the Forks. I found Calvin Powers and William Douglas at Bunker's. They drove ahead, and Douglas showed us where the remains lay. We found the skull lying on its base; a portion of the pelvis, with thigh bone attached, some ribs, vertebrae. The skull was eight or ten feet from the rock in a North East direction on the Quaco road, by the side of the flat rock. The ribs were nearer to the rock, more to the side of it. The hair was lying nearer the rock than the skull was, about two or three feet from it, as near as I could judge. It was all visible then. We found portions of a woman's dress and child's dress. These witnesses described as they were so often described by other witnesses. I saw some brush, apparently cut off some spruce trees, and other stuff like small trees which had died on the barrens for want of nutriment, and withered away. The trees about were spruce, and several kinds; the growth between the rock and the Black River road was pretty thick. You could not see the road immediately opposite at all; we could not see our horses. I was out there at different times, and tried whether I could see the road. By standing on the rock I was able to see a buggy when it was about sixty rods on towards Collins'. The cover was up, and I could see the top. Saw that the brush was cut from the surrounding trees; searched and found the trees from which they were cut, and matched them. I had the pieces that matched the brush, and had the corresponding pieces cut from the body of the trees; I did this because I thought those pieces were cut off to cover the remains. The foliage was off this brush just as it is now; I fitted those pieces (Some of the pieces were shown to fit.) The brush appeared to have been cut some time, and had lain all summer evidently. The pieces remaining on the body of the tree were much more fresh than the pieces on the ground. Some moss—a good deal—also covered the remains. The collar bone we found under the moss a foot down, or nine inches at least. I think that the body lay near the rock. The collar bone I think was taken up the second time. The bones had certainly been disturbed by animals, and had been very much eaten. Nearly



left eye. It must have been done when the skull was softer than it is now. A blow sufficient to produce this injury would have stunned the child. (Child's tooth shown). This is the tooth of an infant, a molar. I can't pretend to say whether it is upper or lower, first or second. Judging from the appearance of the tooth, I should say the child was very young. It has no enamel and no roots. It was never cut. It is very delicate. I should say the child was a year old. It must have been a very young child.

I know the prisoner at the bar, I have known him for over two years. In September, I think on the 31st, he came to my place in the afternoon—to my office on Union Street. William Roop was with him. It was about 4 o'clock.

To Mr. Thomson—At that time the Inquest was sitting. It had been adjourned.

Mr. Thomson objected that any statement then made to the Coroner was not admissible unless he had given the prisoner a warning, as witness was then a person in authority.

Mr. Tuck—Did you say anything to Munroe before he made his statement.

Witness—I did not say anything to him, I gave him no warning at all.

Atty. Gen.—I propose to show by witness that he told Munroe he was not in his custody or under his control.

Examination resumed—He, or Mr. Roop for him, said he supposed I would be looking after him, and he came to give himself up or words to that effect. He did not wish any warrant to issue or any time to be made about it. I told him I was not prepared to take him. Then he said; come in and I'll tell you the whole story. Things are looking black against me. This was in the front office. Then he walked into the inner office ahead of me. I asked Roop to come in. He declined. I then went in. I returned to the front office and again asked Roop to come in, and he said "No damn it I don't want to hear it." That was the reply he made. Munroe was not then in my custody. He came of his own accord then. He was not sent for by me. The office was my own private office.

Mr. Tuck now proposed to offer the evidence.

Mr. Thomson object again on the grounds he had taken in the case of the Chief of Police, insisting that as the Coroner was a person clothed with authority, he should have given the prisoner warning before he heard his statement. In as much as the prisoner can say nothing in his own be-

half, as his hands are tied and his tongue is gagged, no statement should be received as evidence against him unless it was shown that the person in authority had given the prisoner the most explicit warning. Between a Magistrate and the Coroner there was no difference at the time and it mattered not whether the prisoner was arrested or voluntarily went to surrender himself, nor did it matter that the Coroner did not choose to take him into custody at the time. He was a person in authority; he was holding an Inquest in this case at the time, and unless witness showed that he gave the prisoner an explicit warning the evidence was inadmissible. He again quoted the ruling of Mr. Justice Buller.

The Attorney General argued that when the prisoner made his statement to the Chief of Police he was in custody, but when he made his statement to the Coroner he was not under arrest at all. He argued further that even if a prisoner when in custody voluntarily made a statement which he was not led to make by any inducement or threat, that statement would be admissible in evidence.

The Attorney General wished to see the case in 2nd East's Pleas of the Crown, and asked the Judge to wait while he sent for it. This involved some delay, and as it was nearly one o'clock the Court adjourned for dinner.

#### AFTERNOON.

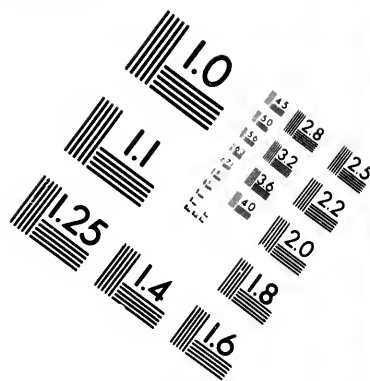
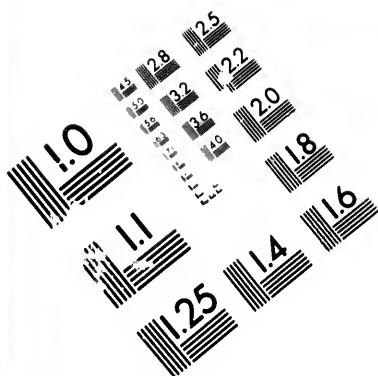
The Attorney General stated that he had been unable to procure the book; but he cited R v. Ace and Greenleaf's evidence, Sec. 219. A free confession when purely voluntary, says Eyre Chief Baron, is worthy of the highest regard, as it must be held to flow from a strong sense of guilt. He cited various other decisions to show that the confession of a prisoner is admissible as evidence, unless some inducement is held out or threat made by a person in authority.

Mr. Thomson reiterated his argument. The Judge again ruled that the statement of a prisoner may be admitted as evidence when it is purely voluntary; but if it be made to a person in authority, although it is not necessary to show that a warning was given, it must be shown that no inducement was held out or threat used before the statement was made. In reply to Mr. Thomson, the Judge further stated that he might reserve this point. He would not now say, but would consider the matter.

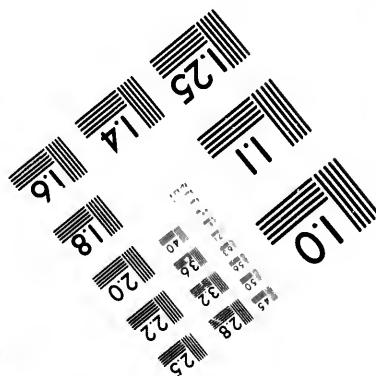
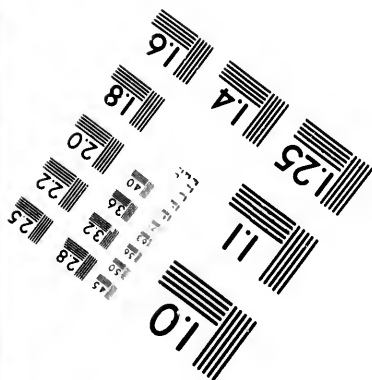
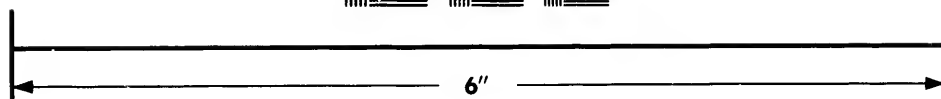
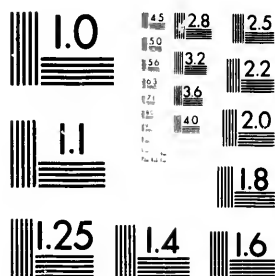
#### EXAMINATION RESUMED.

I did not hold out any inducement to





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presented the day he came to my office. I did not make any threat. I have stated all that took place as far as I remember. [To His Honor.] I did not urge him to make any statement of the matter to me. I asked Mr. Wm. Hoop to come in from the front to the back office; Mr. Hoop declined. I went into the back office and returned again, and asked him a second time to come in; he replied, "Damn it, I don't want to hear the story." The door between the offices was left open. When I went into the back office again, Monroe was in the chair I usually sit in. I sat down upon the couch, probably two feet from him, facing him. He said, "It is not Mrs. Clarke at all—that is an assumed name; it is a Vail girl, from Carleton, and her child, that I have had so much trouble with; she took the name of Mrs. Clarke to make it appear that she was a widow. He was going on to Boston or New York with Mr. Fenety to get some things for Mr. Fenety's house. She wanted to go with him to Boston, to see some man who she said wished to marry her. I think I told the man was a painter but I will not speak certain. He tried to persuade her not to go, but she would go; she went with him. When they got to Boston, she stopped at, I think he said, the Commercial House, and he and Mr. Fenety and some other persons with them stopped at another hotel—I can't speak for certain the name of the house. He went to see her at this Commercial House on the following day; he had to go from that to New York with Mr. Fenety; he went to New York, and left her there at the hotel. When he returned to Boston he went to see her again. She was very much dissatisfied, and wanted to get home; she had not seen the man whom she had gone on to see, whom she supposed would marry her. He told her he was not going by the boat, but by rail as far as Portland. When he got to Portland and went on the steamer for Saint John she was on board. He saw nothing of her. I think he said, until he was coming in the harbor to St. John, coming up the harbor he saw her, and she asked him where she should stop. He said he thought at the Brunswick House—Lordly's—as that was the handsomest place for her; she said she was dissatisfied stopping there, for she thought Mrs. Lordly knew who she was. She said to him that there was a person, a painter from St. John, out to Lake Umbagog, whom she wished to see, and she wanted him to drive her out; she she wanted to go in an open wagon; he did not care about being seen driving with her, and therefore that was his reason for taking a coach. He drove out

with Bunker—I can't say how far he said past Bunker's on the Black River Road. He said he told the coachman to stop and go back to Bunker's and feed his horses and get his dinner, and they would walk on wherever they were going. They got out of the coach and the coachman turned back; the reason he did so was that he did not want this man—the painter there—to see him with the girl, for fear he would not like it; she took the child and walked ahead, and he watched her until she passed Collins' road. I said to him, she did not go to Collins', for I was out there; he said, No, I watched her until she passed Collins'. [His Honor is not quite clear about admitting evidence elicited by questioning. After explanation by Attorney General, His Honor allows it.] Witness: After a time she returned with the child, and said the folks were not at home, and he would have to bring her out some other day. They came back to Bunker's, got in the coach and came back to town. She was dissatisfied with staying at Mrs. Lordly's, and wanted to go somewhere else; he took her to the Union Hotel. She wanted to go out to see this man again, and he took her out in a coach as before; about the same place on the road he stopped the coach again, they got out, and the coachman drove back to Bunker's. She took the child, and walked away on the road, down towards Collins'. After a time she came back with the child and said she wasn't coming in to St. John again, as the folks were at home, and they were going to drive her in on Sunday evening or Monday morning in time for the American boat; she wished him to take her baggage down to the boat and get it checked. He went down to the boat on Monday morning and the baggage was not there; he had engaged some one to bring it, but it had not arrived; when the baggage came the last bell was ringing; he ran down to the boat; he thought he would not be able to see her, but he saw her on the deck of the boat; he had just time to slip the check into her hand, shake hands and say good bye. That is about all he said.

*Cross examined by Mr. Thompson.*

I won't swear positively that those were the remains of a female. I had my impression as to the remains I saw this morning. I would not undertake to swear whether those remains were the remains of a male or female. Q.—Do you also differ from the other doctors as to the injury which you allege appears on that (infant's) skull? A.—I do. I have as good a right to my opinion as they have to theirs. I would not

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swear that injury was not produced by the teeth of a wild animal. I found buttons there.

Mr. Thomson shows witness other buttons; witness compares them and says they are the same kind of buttons as those found. Mr. Thomson shows other hair; witness compares the hair produced with hair found, says, I think the hair found is the darkest. [Jury examines hair.]

Witness: I think I have given a fair statement of what was said to me by the prisoner. I did not make a memorandum. I don't recollect of prisoner stating that a warrant had issued against his brother, and he had come to give himself up. His brother was arrested, though, the night before.

To His Honor: I went out with Welton to show him the grounds; it was before the Court opened; I showed him the place where the remains were found; he made measurements in my presence.

The Attorney General concluded to offer Wm. Lake's depositions taken before the Police Magistrate in evidence. [Handed to Clerk to read.]

Mr. Thomson objects to the evidence as not being legal evidence; not that all the formalities had not been gone through in its taking, but there are parts of it which, if the party were in the witness box, would be excluded. He argued that it was not competent for the Judge or counsel to read over the deposition on the trial, and erase what is not evidence and retain the rest. If one part is inadmissible, the whole becomes a nullity.

His Honor thinks if the evidence be not important, it had better not be offered.

The Attorney General submits to His Honor's ruling.

The Attorney General produced the marriage certificate of the prisoner.

Mr. Thomson objects to the marriage certificate as evidence, inasmuch as it was not properly certified by the Clerk of the Peace.

Objection held good.

The Attorney General stated that this closes the prosecution.

### THE DEFENCE

Mr. Thomson said that not having been informed by the prosecuting officers when the case for the Crown would close, he did not know whether his few witnesses were in attendance. However, after making the few observations he now intended to make to the jury, he would call those who may be present.

Mr. Thomson then opened the defence

briefly. He said that while he must acknowledge the great convey which had been shown to him personally, he never knew a case in all his experience, in which the lawyers conducting the prosecution had shown—he was going to say such ferocity, but he would not—he would say such a desire to secure a conviction. It was the first time that he ever saw everything that could possibly tell against the prisoner pressed with such eagerness and determination, and he hoped it would be the last while the law remains as it is. The fight is not, fair, as the law now stands. On this he would comment at more length at the close, but he would remark that while every man, woman and child in the country may now be called as witnesses against the prisoner, the prisoner himself was by law bound hand and foot, and could say nothing. The course taken by the prosecution, he must say, was unhoplessly harsh. Every piece of evidence that could by any possibility be forced in was put in. When the depositions of Lake were offered in evidence, he appealed to the magnanimity of the Attorney General not to take advantage of the law and put in evidence of that kind, which must bear so unjustly on the prisoner, and he thought it was withdrawn; but now when all other evidence was exhausted, then this was again pressed. No consideration was shown to the prisoner—no regard for his rights; and it was only when he took another objection, and the Attorney General became afraid that if this evidence were put in it would injure his case, that it was at length withdrawn. It was the duty of the Attorney General, as much as of the Judge and Jury, to endeavor not only that the guilty should be punished, but also that the innocent man should escape. Yet, when he asked for one of those skirts, to show it to the friends of the prisoner, in order that they may be able to ascertain whether the pattern was so peculiar as some of the witnesses stated, the Attorney General refused to let him have it, and it was only on an application to the Court that he obtained it. He must repeat that he never saw a case so conducted, and that while the greatest courtesy was shown to himself, the greatest determination was shown to secure a conviction, he would now put some witnesses on the stand, and at the close of his case would address them at greater length.

DAVID BERTHOUD sworn

Examined by Mr. Thomson

I have known the prisoner at the bar



about twelve years; I am a builder by trade; I have always found the prisoner very fair in his dealings. He (prisoner) is an Architect; has been following that business seven years; he is not a man in necessitous circumstances; he is clever in his business; always had plenty to do; according to my opinion I would not take the prisoner to be such a person as would be led to commit such a crime as has been charged to him. I went into the Police Office on the evening of his arrest to satisfy myself whether the rumor was really true; I did not believe he could be guilty of such a crime. I left old Mr. Munroe and Mr. Marshall talking together on the street on Chipman's Hill between Mr. Jones, the tailor's and Mr. Cruikshanks', it was on the evening of Munroe's arrest. I went out to the place where the remains had been found, about a month ago, in company with David Carlin, the plumber, Charles Ray and Adam Young; I was in and saw where the place was, and the stone; I walked down the road. One of the parties had a pistol in his hand. I paced off about 600 paces, I left him on the rock in front of the place where the remains were found. I think Carlin had the pistol; he fired; I could hear the report, but not very distinctly; I walked down towards the forks; don't know how far from it.

*Cross-examined by Attorney General:—*

I stepped about three feet at a pace; I could not say whether I could have heard the report or not if I had not been listening; I did leave John J. Munroe and Mr. Marshall, Chief of Police, on Chipman's Hill, talking on that very evening.

JOHN J. MUNROE, SWORN.

I am the father of the prisoner at the bar; I recollect the night my son was arrested; that night I met Mr. Marshall on Chipman's Hill. When I was coming down the Hill he was going up. Mr. Marshall put out his hand to shake hands and says, John, this is a sad affair, I feel very sorry for you indeed, but I will keep you posted up; I told John that anything he said to me would be a strict confidence, and no action would be taken upon it; I did not make him any reply; I wanted to get home up the street; I have not been in Court but once since the commencement of this trial. I never saw the hair at all. My son is an Architect, he was doing very well; his business has been increasing very fast; he was in no pecuniary embarrassment at all, that I am aware of. I state positively that I did meet Mr. Marshall

on that very night my son was arrested, and the words I have stated are just what passed between us. I never marked that trunk, never saw any trunk in Mrs. Lordley's house in my life; never saw that trunk before in my life; that, I should think was an American made trunk, by the straps fastened as they are.

*Cross-examined by Attorney General:—*

I was in Mrs. Lordley's house on the 27th October, last; I saw no trunk there at all. I know George Wade, he stopped at my house when he returned; I don't recollect the date of his leaving; but I remember the day; previous to the commencement of this Court he was at my house, and I had no communication with him in my house; I did not tell him any evidence I wished him to give.

*Re-Examined by Mr. Thomson:—*

He told me that he had been in the habit of carrying letters for John over to this Miss Vail, in Carleton, he also said he carried a parcel from John down to the boat on Hallow E'en, and gave it to Miss Vail; this he said in presence of my wife, my mother and my daughter. This statement he made voluntarily. He left the house in the best of friendship; he said he was glad he was able to help John out of his difficulty; my wife and I never was so much surprised as when we heard to the contrary.

JOSEPH POTTS, SWORN.

I know John B. Marshall; I recollect when Munroe was arrested on this charge; I overtook Mr. Marshall on Duke street some time on Monday evening. After some conversation about singing he said this was a sad affair about Munroe; that he was sorry, and the duty he had to perform was very painful, as he was intimately acquainted with the family. He supposed I had heard of the censure he had received for sending Munroe to the police office in handcuffs. He said he had nothing to do with that. When he sent a policeman to do any duty he didn't prescribe the mode in which it should be discharged. He held the man accountable. He said he supposed I heard also of the ear rings taken from Miss Mitchell. He said he had nothing to do with that also.

Attorney General objected to this evidence, and the Judge read from his notes the evidence Marshall gave, in which he denied that he made any statement to Potts, the statement then was read to him.

Witness:—These are the very words he used, word for word. That was the last

part of the conversation we had. I positively swear that he told me that he said to Munroe, "now John, if there is any person in whom you can have confidence, it is in me. I have known you and your family and connections for a long time. Now tell me in confidence the whole of this unfortunate affair." He then said that Munroe, after this, told him what he had stated to the Coroner, and he said it was very improbable. He offered no excuse for his treacherous two-faced conduct.

To ATTY. GEN'L. — I am brother-in-law of the prisoner. I don't know why Mr. Marshall made this statement to me. I do not recollect what remark I made afterwards. We had some conversation.

WILLIAM F. SMITH.

*Examined by Mr. Thomson.*

I am a builder. Have resided in St. John for many years. I know the prisoner. He is an architect. I believe him a clever man. I have not come in contact with him as a builder. I had given up business before he became an architect, but I was often in his place and he consulted me as to plans. I have every reason to have the highest opinion of Mr. Munroe. Judging from what I know of his character I could not believe him capable of such a crime at the time when I first heard the charges against him. Nothing could have surprised me more.

The Attorney General objected to this evidence, but withdrew the objection.

PETER CORNAC.

I am a stone cutter. I have known the prisoner ten or twelve years. During that time he bore an honorable character to my knowing. I frequently saw him during that time, often came in contact with him in the way of business. He was not a person who, in my opinion, would be guilty of such a crime. His disposition seemed to be very affectionate as far as I saw.

WILLIAM TAY.

I am a stone cutter. I have been working at the Wiggins Asylum. I have known the prisoner for seven or eight years. Have seen a good deal of him. Intensely very often. He was the architect of the Asylum. As far as I am personally concerned I have been able to form a estimate of his character. I always found him a gentleman. He always treated me as when I called upon him. He was the last person I should have supposed capable of such an offence.

Attorney General. — Did you form this opinion before you heard the evidence?

Witness. — I never heard anything to lead me to form a contrary opinion.

CHAS. R. POTTER.

I have known the prisoner since he was quite a small boy—about 20 years. I have known him intimately during that time. I think I had a good opportunity of forming an opinion of his character. I never knew or heard anything bad of him. When amongst other young men he always seemed the quietest of the lot. He had a large business, and seemed to be very successful. I always thought him clever in his business. He was always quiet and gentle in his manners. He was the last person I would have suspected of being capable of committing such a crime, and I laughed at him when he told me he was arrested on this charge.

E. J. BRASS.

I am a builder. Have known the prisoner a great many years, and have had business transactions with him. As far as I know he bore an excellent character. When I had anything to do with him he was gentlemanly in his manners, and honest in his transactions. He seemed to have a great deal of business, and seemed to attend to it day and night. I certainly would have thought he was about the last person to commit a crime of the kind he is charged with.

Mr. Thomson now asked for an adjournment. If he had received notice from the Attorney General yesterday that the case for the crown would close to-day he would have been ready. The witnesses examined were those who happened to be present. The Judge would prefer waiting a while.

GEORGE F. THOMSON.

was called and examined. I have known the prisoner at the bar for twenty or twenty-five years; have known him intimately. He lived next door to me, and I saw him nearly every day. I always thought he bore a very good character, very quiet and inoffensive. I never imagined him capable of committing such a crime. I always considered him a very quiet boy and young man, and never saw anything to alter my opinion of him.

I have known the prisoner since he was a boy. He bore a good reputation and character. I should judge he was inoffensive. I had few dealings with him. He is about the last person I should suppose would be guilty of such a crime. I recollect the day he went in the boat with all

Fenety. It was on a Thursday. I think the 8th of October. I can swear it was on a Thursday. I went with him; was a passenger in the boat myself. Did not come back with him; he left the boat at Portland, and gave me the key of his stateroom. I did not see him after.

To ATTORNEY GENERAL.—I won't swear it was the 8th; it was about the 20th when I came back. If the 8th came on a Thursday, I swear it was the 8th. It could not have been the Thursday previous. I was ten days in Boston and was back here on the 20th.

The defence having no other witnesses now ready, the Court was adjourned at ten minutes to five o'clock.

WEDNESDAY, Dec. 15,

REV. WILLIAM SCOVIL,

*Examined by Mr. Thompson.*

I have known the prisoner about two years. I am one of the Trustees of the Wiggins Asylum. He was the architect. I was frequently brought in contact with him. I thought him an obliging inoffensive young man. He was very clever in his business as an architect. I believe he has been in a good business of late years. Until this matter transpired I never heard anything against his general character. As far as I knew he was sober and industrious.

Judging from what you saw of him and knew of his character would you believe him capable of the crime charged to him?

Certainly not.

As far as I could judge he was peculiarly amiable and gentle.

Not cross-examined.

JOHN EDWARD BOYD.

I am a Civil Engineer in charge of the E. & N. A. Railway. Haven't known the prisoner since Sept. 1863, when he enlisted in a company of which I had command. He enlisted as a private, but was promoted to a Lieutenant in the following February. He is an architect, clever in his business. So far as I am aware he always seemed to be very busy. He seemed to be particularly sober and industrious. Had frequent opportunities of seeing him. As a member of the company he conducted himself very well indeed. I never had any fault to find with him. I always thought he was of a very mild inoffensive disposition. I knew nothing against his moral character.

Judging from what you have seen of him since 1863 and what you know of his character and disposition do you sup-

pose him a person capable of committing such a crime?

I never saw anything to lead me to think so.

JAMES U. THOMAS.

I have known the prisoner for a number of years, more particularly within the last two years as Secretary of the Wiggins Institution of which he was architect. He generally had the credit of understanding his business. I never saw anything out of the way in his disposition more than other people generally. Never knew him to be passionate. As far as I had anything to do with him he was gentle and quiet. I would be sorry to believe any one could commit such a crime. Never saw anything in his character to induce me to believe he would do it.

JOHN PARKS.

I am a member of the Engineer company; am now captain. Was lieutenant when Mr. Boyd was captain. I have known the prisoner I think since February 1864. He was then promoted to be lieutenant in the company. Have been acquainted with him ever since. He has been a member of the company since. Met him very frequently, almost weekly. He seemed to be very busy lately, exceedingly busy. My impression was that he was a very good architect. He was remarkably amiable in his disposition, rather easy when any arrangements were to be made with regard to the company, willing to assent to anything the other officers wished. I should certainly think, judging from what I have seen, that he was not a person capable of committing such a crime as this.

THOMAS M'AVITT.

I have known the prisoner since he was a boy. I was not particularly acquainted with him. I first knew him when he went to school with my own boys. I have come in contact with him occasionally. I thought him a mild inoffensive boy, and the same as a man. I am a magistrate. He was employed by the magistrates this season, preparing plans for improvements on the jail. He appeared to be a competent man. I understood he was doing a large business. The Committee of Sessions employed him to prepare plans, and superintend the work as it progressed. That work was going on when he was arrested. I am not aware that there was anything against his moral character until this charge was made. Judging from what I knew of him, I do not think him a person who would commit such a crime as this he is charged with.

JOHN JENKINS.

I am a rigger. I have known John A. Munroe from his childhood. He was with me in the Sunday school for ten or eleven years, up until he was 18 or 19. I think he is now about 29. I think I was intimate with him. His disposition was naturally quiet and inoffensive. I thought remarkably so when mixed with a number of other boys. I think decidedly, he indicated that character all through. I have often seen him since, and never saw anything to change my opinion of him. I have not had such an opportunity as others of observing his conduct since, but I always feel a regard and interest in those who have attended that school. When first I heard that suspicion attached to Mr. Munroe, I expressed my opinion in my family that Mr. Munroe was incapable of committing such a crime. That was just my feeling when first I heard of it.

JAMES QUINTON.

I have known the prisoner I think since he was a child, since 1842 or 1843. I did not see much of him after that. The last ten years I have frequently met him in a business way. I have not seen much of his disposition. I have been often in his office and tendered for buildings designed by him. He was always gentlemanly in his conduct, and as far as I know until. From any thing I have seen of him I have no reason to believe him capable of such a crime.

EDWARD B. BROWN.

I have known the prisoner 8 or 4 years. He made drawings for me some 3 years since. Have frequently met him since. I think I have had opportunities of forming an opinion of his character. The transactions were satisfactory to me in a business point of view, and I was favourably impressed with the man. I never saw anything in his disposition but mildness. Until this came up I never heard any thing against him. When I heard he was arrested I refused to give credit to the charge for some time, that is all I can say. I never saw anything in his conduct to lead me to believe he could commit such a crime.

WILLIAM B. BROWN.

I am a manufacturer. I have known the prisoner during ten years, not intimately, but I have seen him occasionally. Have had business transactions with him, saw a good deal of him in that way. I always thought his disposition quiet and inoffensive. I think he was very busily engaged in his profession of late years. We used to do a great deal of work after his drawings. Consider him very clever for a man of his age.

what I knew of him I never could have believed him capable of committing the crime with which he is charged.

ISAAC BURRIS.

I have known the prisoner 4 or 5 years at the utmost. I came little in contact with him. What business he had to do in his profession for me he did. I am no judge, but he satisfied me. I only came in contact with him in the way of business; his conduct in that respect was satisfactory to me. I thought him honest and honourable. I had no opportunity of forming an opinion of his character. From what I know of him I certainly did not believe him capable of committing such a crime. We sell a number of pistols. They are not at all a leading article. I cannot say whether the No. 22 is the ordinary size pistol we sell. My clerks would know better than I, as I attend very little to making out orders.

WILLIAM H. KNOWLES.

I am a trunk maker, carry on business in St. John. I examined that trunk this morning, (the trunk brought from Boston). Judging from the wood in the cleets that is an American trunk; it is American white wood. We never use that wood here—we use spruce and pine. I have examined some of the trunks made by Mr. Munroe. They have no such wood. Mr. Munroe and I get our cleets from Mr. Fairbanks. They are usually spruce.

Some question here arose as to what Mrs. Lordly said at the trial on this point. Mr. Thomson proposed to put in the deposition taken before the Coroner to show that Mrs. Lordly then stated that old Mr. Munroe said that this was one of the trunks made at his factory. Attorney General consented. This portion of Mrs. Lordly's deposition was then read as follows:—

"I took Mr. Munroe down to the office and showed him the trunk. He went forward and looked, and said it looked like one manufactured in his establishment. He took a knife out of his pocket and cut the end of the slot on the top of the trunk, and put some of the wood in his mouth and chewed and said there is no doubt they were out of his establishment." This was sworn to by Mrs. Lordly on October 2nd, 1869, before the Coroner.

Witness.—Mr. Munroe and I get our cleets from Mr. Fairbanks. That kind of wood we never get. We sometimes get bass wood, but never any white wood. That is all I can judge by. That is American wood. We make the bottom of a whole piece when we make a case never put more than two. This trunk has a bottom of



three pieces. The pine here is much wider than the American pine. It looks like an American bottom. We often see the bottom of American trunks made of three pieces. We generally use one board—never more than two. American pine is more brittle than ours. We seldom groove and tongue ours. We generally give and dowel them. This is tongued and grooved. Mr. Munroe's trunks in this respect are made the same as ours. As far as I can judge this trunk is of American manufacture.

**TO ATTORNEY GENERAL.**—I have always noticed that American pine in their boxes is very brittle and knotty. It has not so much sap as ours; it is whiter. They generally use pine more knotty and brittle. The Americans get pine from this port, but I think not of this quality. We never put these pieces in the bottom. I can not swear that this is American pine. I can not swear that Mr. Munroe never puts three pieces in the bottom. There are some American trunks imported here, but not so many as formerly; they don't import so many for the last eighteen months. Previous to that they were imported largely, such trunks as that. I never imported any, but I have seen many sent to me for repairs, and I know pretty well an American trunk when I see it. The bottom breaks more quickly out of American trunks than out of ours.

**SAMUEL D. HERTON.**

I am a merchant doing business in St. John. I have known the prisoner since 1863. I employed him then to make some of the drawings for a house I was building. I was much satisfied and pleased with his work altogether. So much so that it gave me pleasure to recommend him to others. My business relations with him were entirely satisfactory. In 1866 I asked him to make some drawings for a school house on Waterloo street, in which I was interested. I asked him if he would give the drawings as his subscription. He offered not only to do so, but also to prepare the specifications and superintend the work free of charge, and he did so. I can not say that I had much opportunity of forming an opinion of his character and disposition. I thought him attentive to his business, and very competent. His manners were mild and gentlemanly. I never saw anything in him that would lead me to believe him capable of committing such a crime.

**DAVID CAMERON.**

I am a plumber. I knew the place on

the Black River Road where the remains were said to be discovered. I went out there with David Heffernon, Chas. A. Raymond and Adam Young. It was about a month ago. It might have been a week before this Court commenced its sitting. I think the distance from Bunker's house to the place is about half a mile. I saw the flat stone. It is almost impossible to get in to the stone in a direct line from the road. Before you go to Collins' it opens up more. I did not notice that. On the way out on the right hand side there are thick woods with a barren strip between them and the road. We had a Smith & Wesson pistol with us. (The No. 23 cartridge shown.) That is the same size cartridge we used. It was a revolver with six chambers. I fired the pistol seven times. I stood on the rock and a little ways from it, and then fired two shots on the road. Sent some of the party towards Bunkers' to ascertain how far the shots would be heard. We met Mr. Kenny and Mr. Nagy, the furrier, out there. They went on the road towards Bunker's. I suppose five or six hundred paces, and I should say they that heard the report as they turned round when I discharged the pistol. This was when I stood on the road. They were out on the road when I fired the pistol from the rock. Mr. Raymond went down towards Collins', in a S.W. direction. I did not see where he was when I discharged the pistol from the rock. One, I think, went into the woods, and one stopped on the road. I think it was Mr. Young who went into the woods. The report was heard. The air was almost still that day. I didn't take any particular notice whether a person on the rock could be seen from the road. The ground was a little frozen and hard the day we were out. The ground would be soft in wet weather. It was a most unlikely looking place for a woman to go in of her own accord. I did not observe whether a person standing on the road near the pathway could be seen from the rock. I have known John A. Munroe almost ever since I came to this country, ten years ago. As a plumber I had frequent intercourse with him as an architect. I always thought him a quiet, modest man, up to the time this occurred. I never knew anything against him of my own knowledge. He generally had little to say when I went to him on business. I never saw anything in his conduct to induce me to suppose him capable of committing such a crime. We were all shocked when I

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To ATTY. GEN.—I was standing on the road when I fired the shots. Between the place where the remains were found and Bunker's there is a thick growth. I do not think that any of the party tried whether a person standing on the rock could be seen from the road.

GILBERT MURDOCK.

I am Superintendent of Sewerage and Water Supply. I have kept quite an extensive record of the weather for several years past. With regard to rain fall over fifteen years; with regard to temperature and atmospheric changes since 1860. I keep a daily record. (Referred to Record of October, 1868. In the last week of that month rain fell on two days—on the 26th (Monday) a light rain fell between one and two o'clock in the afternoon. It was very light. The morning was clouded; the night clear. The 27th was clear during the day, in the night partly clouded; 28th, morning clouded, heavy rain in the afternoon; 29th, morning partly clouded, day clear, night clear. Friday, 30th, morning clear, day clear, night clear; Saturday morning clear, day clear, night clouded. The rain fall was on Wednesday afternoon. It was the heaviest rain of the month. Fully 25 per cent of the month's rain fell on that afternoon. It was equal to 55-100 inch. The rain fell in heavy showers for 6 hours. We had snow also. It snowed upon the 17th and also on the 21st. For the month of October, the 21st was unusually heavy. Between 10 p. m. on the 21st and the forenoon of the 22nd nearly 5 1/2 inches of snow fell. It lay for some days. I think the last of it had scarcely disappeared when the heavy rain fell. I have seen the place where the remains were found. I was out on business with Mr. Lockhart, the Chairman of the Water Commissioners, and while waiting for dinner I walked out to the place. This was I think on Nov. 11. When I was there the place was wet and spongy, I saw a large rock. We followed the southerly path, and that led us to what we supposed to be the place. In from the road was wet and spongy. I got my feet wet going in. I saw no pool of water near the rock. I would judge that on October 21st, 1868, the place would be wet and spongy. It would depend on what the object was whether it was an extraordinary place for a woman to go in to voluntarily either to sit or lie down. I made no observation as to whether a person on the rock could be seen from the road. I have known the prisoner for a

number of years, to see and speak to him occasionally, but I did not know him intimately. As far as I know his disposition was mild, and I would not judge him to be a person likely to commit such an offence.

To ATTY. GEN.—In September, 1868, the fall of rain was heavy. There were frequent falls. The heaviest was on September 7th; 1 1/2 inches fell at that time. That was an unusually heavy fall. It was a very wet month. The rain fall for October was not as heavy as usual. It was below the average. I can not just now say how much. From Wednesday 28th to Saturday there was no rain. I think the place would still be damp and wet on Saturday. I can not say it would be as wet as it was when I was out there. The last rain in November before my going out, fell on the 8th. There was a great deal of rain in the previous October. The place is mossy. I did not pay any attention to the soil.

To Mr. THOMSON.—The heaviest rain fall in last October, ('69) was during the night of the 23rd. There was rain on the 24th and on the 30th. In November there was no rain until the afternoon of the 6th, when the rain was light. In the night of the 6th there was a heavy rain. On the 7th there was rain and on the 8th in quantities not measurable.

ARCHIBALD OOK.

I am a machinist, doing business in Portland. I have known the prisoner about five years; have not had particularly frequent business transactions with him. Met him at places where he was superintending work, and where I was at work also; met him frequently. I always looked upon him as a straightforward going young man, and with great abilities. I always looked upon him as very gentle and inoffensive, and never know or dreamt of anything else. As far as I knew there was nothing against his moral character. I shouldn't think he was a person who could commit such a crime.

WILLIAM K. KILDING.

I reside in St. John. John A. Munroe occupies one part of the house, 48 Charlotte Street, and I the other. He moved to the house in May 1865; I am living there at present. Saw him almost every day; passed through the hall together. I saw him before 1865. The first time ever I noticed him was the year the Prince came, that was in 1860; was looking then at an arch across the street, and spoke to him. Since 1865 I have known nothing wrong of the

man as to his character. While we have lived together I considered him a well behaved gentlemanly man; wouldn't want to live with a better. Have said to my wife that I thought him a very domestic man. He was a very industrious man. I don't know whether he had a great deal to do; he told me he had, and I believed so. I think he was not an idle man. I always thought him a very industrious man. I wouldn't have thought he was a man who would commit a crime like this.

To ATTORNEY GENERAL.—Munroe is a married man, has a wife and two children. The eldest, I think, is about seven, the youngest about three, I cannot say exactly. His wife was living there with him.

By consent of the Attorney General Mr. Thomson put in a certificate from Mr. Hasey, Book Keeper of the Barker House, that the prisoner arrived in Fredericton on the afternoon of Thursday, October 29th, 1868, and left on the next day, Friday, in the afternoon boat. It was admitted that he came down to St. John in the boat which leaves Fredericton at 4 o'clock in the afternoon.

EDWARD H. LESTER.

I know John A. Munroe. He lived in part of my house at the corner of Richmond and Exmouth streets in 1863. Saw him every day. He was very mild and inoffensive as far as his intercourse with me went. He was very quiet in the house. I wouldn't wish a better tenant. He removed there when he was married. While at my house he was very busy drawing plans. He was out about his business during the day, always at home at meal times, and seldom out after tea; very exemplary in his conduct as far as I know. I have known him since childhood. We have been brought up together as boys. He was quiet and inoffensive. We played together and went to school together. He was always quiet, and continued the same when he became a man. I should suppose I had particularly good opportunities of forming an opinion as to his character. I would not at all suppose him a person capable of committing such a crime.

ADAM YOUNG.

I was out with Mr. Hodgson, Mr. Carroll, and Mr. Raymond, at the place where the remains were found. It was on a Sunday. (Plan shown.) I think we went beyond the spot in the road which is opposite the stone, and then went in by a pathway. It was a very good road and

particularly so around the rock for a considerable distance. Your foot would sink two or three inches in the moss. Did not notice the road particularly. I think there was not any water near the rock. It had not rained before. I think that there was a strip of barren land along the road at the left hand side going out. I did not particularly notice whether the roads were clean then. We walked about for a time. Mr. Raymond then went towards Collins'. Carroll then fired a pistol. I think he was on the stone. I was on the Black River Road and Raymond went a considerable distance towards Collins'. Raymond said he heard the shot distinctly. Afterwards we met Nagy, the furrier, and Kenny came there, and they went. I should judge, about 600 yards towards Banker's, and they said they heard a shot that was fired. I do not know the distance between the two roads. I did not observe whether a man on the rock could be seen from the road. I have known the prisoner some time almost intimately. His disposition was quiet, amiable and kind—particularly so. I should not think him a person capable of committing such a crime. He is almost the last person I would have suspected.

JOHN RANKIN.

I am Deputy Sheriff. Since Munroe's arrest, have had him in custody and have seen him several times every day. He has behaved as well as any prisoner over behaved yet; giving no trouble in any way whatever. Since his arrest he has amused himself by reading. I think I have known him since shortly after he was born. I never heard a word against him. Never came much in contact with him as a man.

JAMES A. HARDING.

I am High Sheriff of the City and County. I have known the prisoner as young man Munroe twelve or fourteen years, perhaps longer. During those years heard nothing against him; rather the reverse. He was always considered a remarkably quiet young man. I cannot say from my own knowledge that he had much business. He has been employed as an architect at the goal, and during the last six months I have seen a great deal of him. I found him quiet and inoffensive in manner—peculiarly so. I think he was attentive to his business. I recollect when the inquest was held. The proceedings were going on for a number of days before any suspicion fell upon Munroe. During those days he was employed at his business at

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the gaol. Did not notice any change in his manner or demeanor. Looking back, I cannot now say that there was any change in his demeanor at that time nor since to the present day. I was as much surprised when I heard that he was charged with such a crime as if I had heard that any gentleman now in this Court had been charged with it. I never thought that he could be charged, or that if charged he could be guilty of such a crime. A young man of respectable position, good education, good business prospects; I do not think he is a person likely to commit such a crime, but the contrary,

MARY ELLEN MUNROE.

I am mother of the prisoner. I recollect that a man called George Wade came to my house about three weeks ago. He said in presence of my husband, my daughter, my husband's mother and myself—

Objected to by Attorney General.

Mr. Thomson said that when the Attorney General asked Mr. John J. Munroe about a conversation with Wade, he supposed it was for the purpose of throwing some imputation on Mr. Munroe. This witness and the other ladies were now in attendance to prove that what Mr. Munroe stated was correct. He felt that strictly speaking this was inadmissible evidence, but he did not think that under the circumstances the Attorney General would have objected to it. The Attorney General would not withdraw his objection, and the witness left the stand.

NEWTON M'KAY.

I work at carpenter work, and I have known the prisoner since 1862 quite intimately. I should say he was gentle in disposition, off-handed and gentlemanly. He did not, in my presence, or to my knowledge, show any vicious quality. I always said I thought it impossible he could be guilty of this crime. I went out to the place where the remains were found on Thursday last. J. J. Munroe, the prisoner's father was with me. I stood upon the stone and Munroe drove my horse past, and I could see him distinctly as he passed, could see his countenance and know who he was. I called to him every time I saw him. I saw him at different places. I saw him nearly opposite the stone on the road, and again towards Bunker's. When we went out I led my horse in a few paces to get something to tie him to, and I could see my horse. This was farther towards Collins's, and therefore I did not think it

necessary to have a man drive in that direction. The snow was on the ground when I was out there. I kicked it off the stone, to be sure that it was the stone. I measured from the stone to the Quaco Road; the distance was 1275 feet. Unless you had some mark to direct your attention, it would be impossible to see the place where the stone is from a distance. I did not try to ascertain whether a man standing on the stone could be seen from the Quaco road. The distance from the stone to the Black River road is 48 paces in a direct line.

To ATTORNEY GENERAL—There was a little thicket between the stone and the road. I cannot say how far it extended towards Bunker's. It is a very small thicket any how. It is just so thick as to interfere with a person going to the road. There are some portions of it is thick enough to interrupt the view. For the greater part you could see from the rock a person passing up the road at intervals. I can not say that you could see a person for the greater part of the distance, but you could see him directly opposite and at several other places. I do not know the shape of the stone. I tied my horse near the pathway. In going in I turned to the left. I should say by the appearance of the stuff over it that the stone is rather long. I measured the distance to the Quaco road with a tape line. Mr. J. J. Munroe held it with me. I have been working with Mr. Munroe since June and worked with him to last Saturday. I have not been discharged.

To Mr. Thomson. — Whether I work with him or not makes no difference in this case. I have no interest in this case to make me swear or lie or tell anything but the truth.

WM. BAYARD, M. D.

I have known the prisoner a great many years, quite since he was a boy. As far as my opportunities for observing him went, I thought he had a good disposition. I never saw anything to indicate that he had a vicious disposition. He appeared to be particularly mild and inoffensive. I should not think that he was a man to commit a crime like this. (Woman's skull shown.)—There are no means by which I can tell whether this belonged to a male or female. Generally the bones of the male are larger and thicker, but there are so many exceptions that this cannot be regarded as a rule. This is a thick skull. No anatomist would be justified in saying, merely from the ap-



pearance of a skull, whether it belonged to a male or female. I have seen many male skulls thinner than this. (Bones shown). I do not want to look at these, for I could not pretend to tell without the whole skeleton whether they belonged to a male or female, and then I could not speak positively. The bones of the pelvis are generally wider and deeper in the female. No one could tell from these whether they are the bones of a male or female. (Child's tooth shown).—I can distinguish it as a molar tooth. I couldn't tell the exact age of the child from the tooth, under any circumstances. Children are sometimes born with teeth. I have had three cases in my own practice in which children were born with the incisors and it is recorded that a child went to 7 years without teeth. I have seen a child go to 22 months without teeth. If I found a tooth with the membrane upon it unbroken which secretes the matter from which the tooth is formed, and which grows thin as the tooth begins to protrude, and finally disappears, I would be able to form an opinion; but I have seen teeth when protruded have the enamel so imperfect that unless I saw the tooth covered with that membrane I could form no opinion. I have seen, as a consequence of disease, the enamel on a tooth so corroded or worn away as to be no guide to enable any one to form any opinion. I can't detect any membrane upon this, but there might have been. The atmosphere has little effect upon enamel, but it would have had effect on the membrane, if the tooth were covered with it. The atmosphere has little effect upon the enamel when perfect; otherwise it would waste the tooth. It would act more upon the enamel of the first tooth, because of its not being so perfect, than upon the enamel of the second.

If a body was left dead on the 31st or Oct., and exposed to the atmosphere, when would it become so offensive as to be necessarily observed by passers by?

Everything must depend upon the state of the atmosphere. A body while frozen would not decompose. After it became thawed, I should say the decomposition would follow so fast that the smell would be perceived 120 to 140 feet off. Much of course would depend upon position and the way the wind blew. I think decomposition would set in more rapidly in a body thoroughly thawed than in one newly killed in spring. Cartridge No. 22 shown.

If a pistol with a cartridge of this size were discharged close to the head, would the ball pass through?

I am not prepared to say. Much depends on the strength of the detonating powder and the distance at which it was fired. My impression is that it would not. A larger one certainly would unless the powder was bad. I certainly should expect it would strike the other side of the skull. It is a question quite undecided whether a ball would pass more easily through the brain than through water. My own impression is that it would. Water possesses extraordinary powers of resistance. I think more than the brain. To ATTORNEY GENERAL—I won't say whether this tooth was out or not. Three months is very early for children to cut their teeth. Four months is also early. It more frequently occurs at seven. I think that when a child cuts its teeth at three months I would expect the molar teeth to be cut early also. If the weather was warm and rainy in November, I should expect decomposition to take place at once in an exposed body. If decomposition set in before the body was frozen, then I think it would be much more rapid when the body thawed than it would be if a body had never frozen. Decomposition certainly would not go on while the body was frozen. The strength of the smell would certainly depend upon the extent to which decomposition extended. Even after a thaw, cold would arrest decomposition again. Of course there would not be so strong a smell if portions of the body were devoured by animals.

GEORGE RICKS.

I live in Brussels street. I am a trunk maker. I know the prisoner. I have known him about three years. His office is in the shop and he seemed to be very busy. I knew Sarah Margaret Vail. I saw her several times, and saw her on the City road. I can't say how often. She was visiting her sister, Mrs. Jenkins. I believe her sister then lived on the City road. I can't tell exactly what time that was. I think it was the summer before I went to the Trunk Factory, and that was three years ago. I think she resembled her sister, Mrs. Jenkins, a good deal. She might be taller and she mightn't be as tall. I couldn't say. I seen her hair down one day. I can say it was light hair, but anything else I can't say. I seen her and her niece, Mary Jenkins, out on the road together. The last time I saw her to my certain knowledge was on the wharf, the wharf from which the American steam boat leaves. That was on November 2nd. I couldn't say it was that day for certain.

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but that I was working up the railway at Brundage's Point removing houses, and I came down on the Saturday night. It was pretty late when I went down to the bont. It was a dark heavy morning. She was going along the wharf towards the steamer. No one was with her. John Munroe passed on a little before that on his way to the steamer. He passed me about the corner off the freight house. He did not speak to me and did not seem to notice me. I did not see her go on board the boat. I wouldn't swear too positive it was her because it was a long time since I saw her.

When you saw her at that time whom did you suppose her to be?

I didn't bother my head who she was.

Whom did you suppose her to be at that time?

I didn't suppose my head about her at that time, because I had very little acquaintance with her, but I came to think afterwards who she was, and I arrived at the conclusion that she was Miss Vail whom I had seen on the City road. I wouldn't be too sure of it. It may be some days after when I began to think who she was.

Looking back now, who do you think it was?

I now believe it to be Miss Vail.

To Attorney General—I will be 23 years of age in April. My father is dead. I live with my mother in Brussels St. I only said Miss Vail's hair was yellow. I didn't mean yellow. That was not my evidence. I said light. If you can make a meaning out of it I can't. I can't tell how far down the wharf I saw Miss Vail. She had a baby in her arms. Its face was turned half round to me. I am sure of that. I can't think how far down she was. I have no right to think. I thought it was Miss Vail. I cannot tell how many days after I began to think who she was. I did not say I did not see her go on board the boat. I was not asked. I was thinking who it was I saw going down the wharf, and John—Here the witness stopped. The Attorney General pressed him to say whether John went down with her. He denied he had said so. He said—I do not speak too positively whether it was Miss Vail or about anything. I saw her on City Road. I learned her name by asking who she was. It is a habit to ask who persons are whom you see walking with one you know. I cannot tell you when I found out that girl's name. It was before I went to the Trunk Factory. I was then living in Meadow street, Portland. I can't tell how she was dressed. She was bareheaded. I can't tell you how her niece was dressed or what she

wore. I remarked Miss Vail because her hair was loose, hanging over her shoulders. I have often seen Mrs. Jenkins. I could not tell you what her Christian name is. I never bothered my head about it. I wouldn't begin to state how Miss Vail was dressed when I saw her on the wharf. Her dress seemed to me to be dark. I would not say whether it was black. I can't say whether she wore a hat or bonnet. I only noticed what the baby wore, that she had a Berlin hood. I have been in Court pretty much all the time. I knew as much before the Court sat as I do now. I first told what I knew to a man named Kilpatrick, who takes John's dinner to him. I went to Munroe's Trunk Factory first, and stopped with him for eighteen months. I then left. I am with him now. I have been with him since the inquest. I was engaged before with Munroe; some weeks before I told Kilpatrick; it was after the inquest I went to work with Munroe, and I am at work with him still. I said that Miss Vail and Mrs. Jenkins resembled one another; cannot say whether they resembled one another in height or in the color of the hair or in complexion, or whether their teeth were alike; can't say whether Mrs. Jenkins was a foot higher; said the last time, to my certain knowledge. I saw Miss Vail was on the wharf; will not be too positive now; won't swear now. I won't swear to any article of her clothing, whether she had a bonnet or hat or hood, or whether she had an umbrella in her hand; will swear she had not one over her head. I think she had a sacque on; can say it was gray, but will not swear to an article of her clothing. I will not undertake to say she had on a blue sacque or a red one. When asked again he said—if it was a red one assuredly I would remember it; won't swear she had it on at all. I said I thought it was on a Saturday night; know Halloween is in the end of October; that I came down from Brundage's Point—won't say positively. I was in the habit of coming down during the week for things for the man I worked with. This man was Mr. Charlton. I will not swear that I was not with him on the second of November. I don't know what Mr. Charlton's Christian name is; asked what Miss Vail's name was; never asked what Mr. C.'s Christian name was; it did not suit me. Wouldn't be a bit too positive that I was not at Brundage's Point, in the employment of Mr. Charlton that day; will not swear positively that I was not. Will not swear that I was not at Brundage's Point in the employment of Mr. Charlton from

October 27th, 1902, to the 9th of November; would not swear to the time I was there at all. The question was frequently repeated, and he always said he would not swear. He again said, I was certainly on the wharf on Nov. 2nd. I was not up there all the time from October 27th to November 9th. I came down on Saturday night; did not swear that I would not say that it was on Saturday night I came down. I came down every Saturday night but one; that was not the one. I will now swear that I came down that Saturday night. There was something particular about it—it was Hallowe'en. Don't know where I was on Sunday. Know I was at home, for I generally spend Sundays at home. Went down to the wharf that morning just to see if any one I knew was going away. I just think it was a dark, heavy morning. There was nothing particular to direct my attention to it; only I began lately to try to remember what sort of a day it was. This was more than a month ago; it may be six weeks ago. It did not take me very long to remember it. Hearing of this event I then began to think what sort of a morning it was. Until lately I never mentioned this to any one but Kilpatrick. Wouldn't be too sure that she went on board the steamer, and won't swear it was Miss Vail. I said I didn't bother my head about who she was when I saw her go down, and did not notice particularly; it was a kind of bother to me, and I commenced thinking about it; can't say when I commenced thinking.

What set it bothering your head?

I can't say.

I don't think it was six months after; I don't think it was three months, or as much as two months. It wasn't a bother at all. It may be about six months. I can't say whether I was at work or not at the time. I was in St. John at the time. I can't say that either, for I sometimes went away.

To Mr. Thomson: I knew Mary Alice Jenkins intimately, and seeing a stranger with her, I asked who she was. Mary Alice was not grown up at that time; I took her to be 16 or 17. The woman I saw going down the wharf had a child in her arms. The face seemed familiar. That was what caused me to reflect on it afterwards. I saw the face of the child turned towards me. Munroe passed me at the corner of the freight house. That was before I saw her. I do not say they were together—both went in the direction of the boat. The passengers went into the boat that day from the floats—from the end of the wharf. That was the direction they took down the wharf. I first mentioned this to Kilpatrick. This was after the inquest.

Mr. Thomson: Then it struck you that this girl that was supposed to be murdered was the girl you saw going down the wharf?

Yes. From hearing Mr. Munroe's story I was led to reflect on the subject. He (Mr. W.) wanted me to say that I worked up at Brundage's, from October 27th to November 7th. I can't say I worked there all that time. I never recollect going up to the Point in the nine o'clock boat but once, and I am not very sure of that once.

WILLIAM HOWARD,

sworn. I know the prisoner. I knew Sarah Margaret Vail, of Carleton, by eyesight. Four or five years ago I was finishing a house in Carleton—John McKay and myself. The house is right off the Steamboat Wharf. She was pointed out to me. When I was working at the Round House, about two years ago, I often saw her. She used to take a walk up as far as the Tower. I often met her. I knew where her father lived. I can't say that she lived there. She was a fine looking girl. I think her hair was dark brown—I did not notice the color much; it was very glossy. The last time I saw her was down at the Steamboat Wharf. It was a dark, wet morning. It was a Monday morning. It was so wet that I could not work outside. I live not far from the wharf, in St. Andrew's Street, near Queen Square, and when I am not at work I usually go down to see the boat go away. I saw Miss Vail on the steamboat and Munroe standing beside her. I saw her going down the wharf; my nephew was standing beside me, and asked me if I knew the girl. I saw John Munroe at the head of the wharf. She had on a black dress and I think a grey cape, and she had a child in her arms. The passengers went aboard that morning from the wharf right on to the saloon deck. Munroe was at the head of the wharf. He stopped talking to a man, and after that he went down and went on board. I recollect well what the child had on. She had the child on her left arm, and it had on a red and white Berlin hood. I think it had a red cloak on, but I would not be sure of that. The arms hid it. I took it to be a cloak. It was something red. I said Munroe stood beside her on the deck, and they went down below and I saw nothing of them after that. I voluntarily sent word to Mr. Munroe what evidence I could give.

TO ATTORNEY GENERAL: It was three or four minutes before the last bell rang that I saw Mr. Munroe go on board the steamer. He did not go down with her to the boat. She was before him and he

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was as close behind as that deck. He was half the length of the wharf from her when he started after her. I was standing on the other side of the wharf—knew her well. There were plenty of people going down at the same time; some close to her, some running, some walking; but no one with her. I was at the lower end of the other side of the wharf. I saw her a long way up the wharf. I was about thirty feet from her. I was not at the end of the wharf—I was about twenty feet from the end. There is a railing all the way down at each side of the floats. I was at the South side, she was at the North side. She was not more than four or five feet from the rails on the North side. There was a great crowd going down. She was walking slowly and looked twice behind her. Munroe overtook her just as she was going on board. She went on board ahead and he was two or three feet behind. I am positive he went downstairs in the boat—I can't be mistaken on that point. I did not see him after. I think there was not much difference in size between Miss Vail and Mrs. Crear. I am satisfied there was not a half head between them. Mrs. Crear's hair was the darkest. I never observed her teeth at all. The boat was a little higher than the top of the wharf. There was a plank from the wharf to the saloon deck of the boat. I think it was about high tide. I can't tell exactly what day it was.

Q.—Supposing high tide was half-past eleven, would the boat have been in that position at eight o'clock? A.—If the boat remained there until ten o'clock then she would have been two feet higher than the wharf. I state it would be high tide about ten.

The Attorney General produced the Almanac to show it was high water at noon on November 2nd, but witness persisted in saying he was not mistaken. He could not tell whether it was November or October that he saw this take place, but he was satisfied it was on a Monday morning.

To Mr. Thomson: My nephew went home to Bristol about six weeks ago. I am sure this was on a Monday morning. It was in the fall of the year. There was a great rush from the South side of the wharf to the North side. The boat was a little higher than the wharf. The promenade deck was about the level of the wharf. I noticed the plank right upon the saloon deck. It was erected from the wharf to the promenade deck.

This was the case for the prisoner. It was now half-past four o'clock. Mr. Thomson asked that he should not be pressed to commence his address to the

Jury now. He wanted time to collate the immense mass of testimony, so as to put the case of his client fairly. He would not occupy more than the forenoon.

The Attorney General wished to have permission if he desired to produce evidence in the morning to contradict the evidence given by Howard, and to show that by no possibility could the boat have been in the position he described on the morning of November 2nd.

Mr. Thomson objected to the admission of such evidence, but the Judge thought he would admit it.

The Court then adjourned till Thursday morning at 10 o'clock.

## THURSDAY.

JOHN H. MILES,

a witness who was refused admittance by some of the constables on Wednesday afternoon, was called by Mr. Thomson, and said:—I am a shingle maker, I have known the prisoner for 20 years. As far as I know he was always mild and inoffensive. I never saw anything vicious in him. Was much surprised when I heard he was arrested. I could not believe it.

Mr. Thomson next spoke of the imputation thrown out by Calvin Powers that the hair put in his possession in order that he may try if it could be matched, was cut or tampered with in some way. Mr. Munroe, father of the prisoner, had sworn that he had not cut the hair, and he was prepared to put on the stand Mr. Jordan, in whose possession the hair remained the whole time. The Attorney General said that Mr. Thomson's statement in the case was quite sufficient.

Mr. Thomson then proposed to read a telegram he received the night before; to this the Attorney General objected. The only way Mr. Thomson could now put any fact before the Court was by affidavit. After some time it appeared that this telegram and another received this morning, referred to a witness who was supposed to be able to give important evidence—a farmer from Sussex—who was then in Court. He was called.

EDWARD PRICE,

I got a lady last fall a year ago at the head of Loch Lomond. I was coming to St. John to market with my son from Sussex. We call that the back way. It is the way I always come with my team. I came now to town on my own business; I was attending to it when you sent for me. She came into Mr. Craw-



ford's soon after I got there, this I think is at the head of Lake Lomond.—It is at the head of the big lake, anyway. It is where I always stop. She said she was waiting to come in on the mail. The mail did not come along. She had with her a small child, from nine to twelve months old—a very small child. She told me she would pay me to bring her in; I said all right; I would not allow the lady to walk in at any rate. On the way in she told me—

Attorney General objected that what she said should be stated. Evidence as to her name admitted.

Witness: The impression of my son and me after we heard of this case—

Objected to.

Witness: My impression is she called herself Mrs. Clarke. I am a poor hand at describing. She was a lowish sized woman, dressed in dark clothes, a black straw hat with dark ribbon, I think, crossed over the top of it. I don't know any more. I brought her into town to where the old hay scales were, near the Golden Ball. She got off there; she said she would be in the market in the afternoon or morning and pay me, but I never saw her after. The child had something like a tippet and a Berlin hood of white and red on its head. We talked all the way in.

To Attorney General: I can't tell what day I left home. I can say what day I got home again. I got to St. John between four and five o'clock in the afternoon; I don't know what day of the week it was; I don't know if it was Saturday—I am certain it was not Sunday. It took me from the afternoon of one day to the next evening. I can't tell what day I got home, but it was the night of the big snow storm. I got to St. John one afternoon, stayed here until the next afternoon, and reached home the following night. That was the big storm that remained right on. I don't know that I can tell what month that was. Crawford's is about four miles above Bunker's right up the shore road. I can't tell—it was on Saturday or Sunday I saw this woman. I am positive I was not a Sunday from home. It could not have been on Saturday. I wouldn't state that I left home the next day after Sunday. It took me a day to come from home to St. John.

Q.—Can you recollect whether this was in the end of November? A.—It was late; I do not think it was the beginning of the month.

To Mr. Thomson: I am sure I did not remain over Sunday in St. John. It was in the fore part of the week. To the best of my knowledge it was on Tuesday, but can't be certain.

Mr. Thomson then said—

GENTLEMEN OF THE JURY:—It now becomes my duty to address you upon the most important case ever tried in this city and county: important for the individual interests involved, and the great interest it has excited in the community. I am satisfied, gentlemen, that you will weigh the evidence carefully and well, and that, should any doubt arise, you will give the benefit of that doubt to the prisoner, and will lean to mercy. I have already spoken to you of the unsatisfactory state of our criminal law. I raise my voice once more against it. I would raise my voice in my dying hour did the thought then flash across my mind, against its monstrous cruelty and injustice. It is not my duty now to argue the question of capital punishment. Respecting that, and the right of any state or court to indict it, we probably all hold different opinions, but it is an awful thing for any court, for any set of men in cold blood, by any machinery of law, to take the life of a fellow being. If you, gentlemen, find a verdict of "guilty" in this case not one of you can escape the responsibility of so taking the life of a human being, and when the scaffold is erected, and the bell is tolling, and the rope is placed on the neck of the victim, in that dread hour not one of you can escape responsibility for what is done. If, gentlemen, your conscience justifies you in such a proceeding; if you can reconcile this taking of life to your consciences, then let that rest between you and your God. Thank God no such responsibility rests on me. I have discharged my duty in this case to the best of my humble abilities. If I had known that this case would be conducted as it has been, I would have shrunk from the responsibility of undertaking the defence alone and unaided; but I little dreamed that such a course would be taken, and that every corner of the country would be ransacked for every witness whose evidence could in any way tell against the prisoner. I thought it the duty of the crown as *Patris Patrie* to show as much anxiety to establish the innocence of the prisoner, were he innocent, as to establish his guilt, were he guilty, but such has not been the course taken. While I admit that the greatest courtesy has been shown to myself personally; I must protest most solemnly against the manner in which the case has been conducted, which falls little short of being positively blood-thirsty. The Counsel for the prosecution assumed the guilt of the prisoner, and appeared to think it their duty to obtain a conviction at all hazards. Such is not their duty. This is the first time I have ever seen a case so conducted, and I hope it will be the last. It is as much the duty of the crown to see that the innocent escapes as to see that the

guilty be punished. Mark how this case has been conducted. Not a single piece of evidence that could be refused was admitted to the prisoner—with the exception of Hasey's certificate, which stated no more than Mr. Hasey himself would have stated had they been obliged to put him upon the stand—the strictest rules of evidence were enforced. When the prisoner's father, John J. Munroe, was on the stand, the Attorney-General questioned him respecting George Wade. By strict rule of law I was in consequence entitled to get out the whole facts. I thought the Attorney-General's reason for putting such questions was that he intended to put Wade on the stand. Munroe stated all the facts—admitted that he had brought Wade on from the States, believing that he could give evidence favourable to him. If Wade did pretend that he saw the young woman in the boat, and did take Munroe's money when in reality he had not seen her, what must be thought of him? What must be thought of his character, whether they supposed that he consented to swear falsely, or that he now avoided telling the truth? In order to prepare for the course which he believed the Attorney-General intended to take, he proposed to place the mother, wife and daughter of John J. Munroe on the stand to corroborate his evidence. He knew that their testimony was, strictly speaking, inadmissible; but he thought that under the circumstances no objection would be made. Did the Attorney-General admit this evidence? No. The testimony which he offered to vindicate the character and sustain the evidence of John J. Munroe was excluded. Even the hunted hare is not run to earth without a fair start; but the law officers of the crown seem determined to fasten their bloody fangs at once on the prisoner, and at all hazards send him to the scaffold. I ask you, as the prophets of old, to stand between the prisoner and that scaffold. I feel called upon to make these observations. The cause is no light one. If it were a mere matter of money to be gained or lost my language may seem too strong. But the life of a husband, a father, a son, is in my hands, and I can not justify my taking any other course than the one I am taking. Again I must say that our criminal law is in a most unsatisfactory state, and is a disgrace to the country. Is it consistent with any idea of justice, any sense of fair play, to put men in the dock, bound hand and foot, and compel them to be silent, while their lives are sworn away. If against one of your own children a complaint were made by another child, would you condemn it unheard? You would be Jereliot in your duty to yourself, your child and your country did you do so. Take care, then, what you do when the most dreadful punishment in man's power to inflict is to be inflicted, when the one possession which men can take away but cannot give back, is at stake. I say this state of the law is monstrous. It is now the year of our Lord 1869; nearly two thousand years have rolled away since our Saviour came on earth to establish a code of mercy, and now men put their hands upon a book and swear in the name of Christ, of Him who came to establish a law of mercy and love, and proceed to determine whether the life of a fellow being shall be taken away. It is a shame to our humanity, a foul blot on our Christianity. I ask, I implore each one of you, as you value happiness, as you hope for salvation, to lay your hands upon this law and say to this Court and this country that while this law exists no man's life shall be taken by your verdict. That when the accused is allowed to speak for himself, then, and not till then, you will exquire into and pass

judgment upon charges such as this. Look at this mass of evidence. Take the evidence of Mr. Grear, and observe what a feeling pervades it. While a man's most malignant foe may go on the stand to swear away his life he is forced to be silent. Is this fair? Is it just? I appeal to you not to consent to pass judgment on the evidence offered to you until this most iniquitous law be swept from the Statute Book. It is bad enough when a person is sent unjustly to the Penitentiary. The law then may make him amends and restore him to society. After you have rendered your verdict, and the Judge has passed sentence, and the hangman has done his duty, and the corse is cut down, and the outraged earth has taken it to its bosom, what reparation can be made? There is no more disgraceful record than that of the criminal trials of Great Britain. The laws which were so administered had their ground work in ferocity for which they might find some parallel in the Old Testament, but certainly none in the New. It was death for murder, death for arson, death for robbery, death for stealing any sum higher than a shilling, death for fraudulent statements by a bankrupt, death for everything, and such laws as those were carried out by judges and juries, and the law was merciful in this as in other respects, refused the prisoner the poor benefit of counsel. When I was a student counsel was not allowed to address a jury on behalf of a prisoner. Could anything be so monstrous. You can hardly believe it. I can now hardly realize it myself. The time will come when the present scene can hardly be realized: when it can hardly be imagined that counsel begged of a jury to stand between a silent prisoner and voluble prosecutors. This case, gentlemen, I confess, is shrouded in mystery, which I can not clear up, which, perhaps, no man can clear up until the secrets of all hearts are disclosed. If it is not made clear as the sun-light how dare you take away that man's life? I deny that you have any such right. The mystery which surrounds the case but resembles the mystery which surrounds the prosecution, the management of which I never saw paralleled. When the prisoner had been arraigned, and a day fixed for the trial with my consent, without intimation to me or warning to the prisoner, the court was adjourned.

**THE JUDGE.**—I take the responsibility of that, Mr. Thomson. The Attorney-General had nothing to do with it.

**MR. THOMSON.**—Then the responsibility must rest with His Honor, and I deny his right to take such a course. I protest against it. No Judge has the right, no Court the power, to conduct such matters in secret. It is the pride of British justice that everything is open and above board, nothing concealed or concealable. His Honor the Judge probably noted for reasons which seemed good to him, and which I do not impugn, but I protest against this mystery. I was entitled to know every reason operating upon the mind of the Judge or of the Attorney-General, everything affecting the proceedings or altering the constitution of the Court. Was not all this most unfair. Again I implore you to stand between the prisoner and all this mystery, and all these efforts to secure his conviction. Another peculiarity of this case is, that it rests entirely upon circumstantial evidence, the very worst evidence that can stand against any man. It has been asserted that circumstantial evidence may be the strongest and most reliable, and I believe that the Judge in his charge to the Grand Jury expressed such views. From these views I entirely dissent. Circumstantial evidence is most dangerous, unreliable,

*myself.* I was surprised to hear Mr. Tuck say that circumstantial evidence is stronger than direct evidence, and I am not sure that His Honor the Judge did not use similar language, because it may happen that persons would suppose they saw others commit some crime and yet be mistaken. That shows how weak, wretched and fallible is all human testimony; but is that a reason why we should rely upon other evidence yet more wretched and unreliable? If the prosecuting counsel admit that direct evidence is so unreliable, how, in the name of God, can they ask you to find a verdict when this circumstantial evidence is made up of direct evidence, and when, if one link in the chain is wanting continuity is gone. Circumstantial evidence is simply a number of links proved by direct evidence, and from that you are called upon to form a conclusion. From fallible evidence, an infallible conclusion! Oh! most hideous reasoning. Oh! most awful perversion of justice, which sends a man from his home to a felon's scaffold and a felon's grave. It is my duty to point out to you a number of cases in which circumstantial evidence utterly failed, not indeed to send victims to the tomb, but utterly failed to do justice—cases in which the wrong men were convicted. What right had they to suppose that this was an exception to the rule? The learned counsel then read several passages from the work of Wills on circumstantial evidence. In page 42 this author appears to state that circumstantial evidence is inferior in cogency, and less conclusive than direct evidence, and to regret that language of a directly contrary tendency had been used by authorities of no mean note. Such language, said Mr. Thomson, has been used in this Court, and against it I must emphatically protest. One case referred to was that in which the *Alno Domini* water mark on paper, which was usually held to be conclusive evidence, was shown to have been put in the year before that whose date it bore. Now there, the learned counsel continued, is a fact in that most melancholy record that, time after time, men were sent to the scaffold for felony, and it was now known that many of them had been condemned unjustly. He also cited from the same work the case of Sir T. Davenport, who, attacked and robbed, swore that certain parties robbed him. Fortunately they succeeded in proving an *alibi*. Some time after robbers were arrested, in their possession was found the property stolen from Sir Thomas, and it was ascertained that they were the men who robbed him. He gave compensation to the men he had unjustly accused. Baron Alderson also found it necessary to caution Jurors, in language which the counsel read, against placing too much reliance upon circumstantial evidence, and allowing themselves to be so carried away as to supply any link that may be wanting. Can I use stronger language in behalf of my client than Baron Alderson used when charging a Jury in England, although Legislatures have not seen fit to alter the law of evidence. Judges have seen the necessity of thus cautioning Jurors. Reviewers and thinkers of every class begin to see the necessity for a change, and the day will soon arrive when it will be altered in England. I hope it will soon be altered too in the Dominion. Take the case of a clergyman and his wife which recently excited such attention in England. A clergyman and his wife travelled in a railway carriage with a young woman, who, at one of the stations gave the clergyman in charge for having committed an indecent assault. Her evidence was most positive, and stood the test of the most severe cross-examination. By another of the merciful provisions of the English

law the wife could not be witness for her husband, and the minister was convicted and sentenced to imprisonment in a penitentiary. He then turned the tables on the young woman, charging her with perjury. In this case his wife was a competent witness, and on the evidence of the two, which the law requires, the young woman was convicted of perjury. Thus to the eternal disgrace of English jurisprudence these two parties were convicted at the same assizes, before the same Judge, such on the evidence of the other. The Home Secretary could not understand such justice as that and the clergyman was set free, pardoned. There is now no means by which an innocent man can procure reversal of a false conviction. If it is discovered after his conviction that he is really innocent a royal pardon must issue, to a man guilty of no offence. That is the law. If there is to be any reform any where in our Jurisprudence the axe should be laid at the root. If a man can be shown innocent, the machinery for a solemn reversal of the false conviction should at once be established.

It is said that Sarah Margaret Vail was taken out by the prisoner to the neighborhood of the Lake and there foully murdered. There is no positive evidence of this. The only evidence offered is circumstantial, but the case must be so clear that no shadow of doubt rests upon it before you would be justified in finding a verdict against the prisoner. If this was Sarah Margaret Vail, which I deny, is it not consistent with all the facts that some other hand committed the murder. The prosecution may say, account for this woman. What have we to do with accounting for her? Does the law impose any such duty on us? If we do not account for her is that a reason why a Jury should send the prisoner to his doom? Monstrous. Let us go further and reason the case calmly, if indeed in such a case it is possible to be calm. In there any testimony to show that this girl whom the prisoner drove out was Sarah Margaret Vail? There is no such testimony. The only evidence on that point is his own admissions. Where is the proof that the Miss Vail he spoke of is Sarah Margaret Vail? No witness proved that. It remains unestablished. Inferences won't do in a case like this. The fact must be incontrovertibly proved. Neither Marshal nor Jones nor Earle said that prisoner told them it was Sarah Margaret Vail. They were asked to infer that. It was without a tittle of evidence. I do not care even if the evidence went to a point which would be sufficient to satisfy you in an ordinary business transaction, and to lead you to conclude that this was Sarah Margaret Vail. That is not enough in such a case as this, where life is at stake. If we see murder committed and string the murderer up to the lamp post, we ourselves become murderers. The compact which binds society together requires that in such cases charges of crime shall be proved in courts of justice, by strict rule of evidence. If the evidence fail, that moment the right of Court and Jury to convict ceases. Moral convictions in such case cannot avail: there must be positive, conclusive, uncontroverted testimony. The next point for your consideration is, were those remains found out there the remains of Sarah Margaret Vail? Unless that is established by indubitable uncontroverted testimony, your verdict must be an acquittal. I know not how far the statements which have appeared in the newspapers, from time to time, may have affected your judgment and inclined you to look upon the evidence on all these points with minds prejudiced against the prisoner, but I would remind you that justice should always be largely tempered with mercy.

These statements have largely affected the public mind against the prisoner. If the prejudices so created have found their way into the jury box, I entreat you to divest yourselves of them. I know how difficult it is to divest the mind of prejudices once excited. It was had enough that statements at variance with the laws of evidence, admitted at the preliminary investigations by gentlemen not very well acquainted with that law, should have been published; but some of the papers went even farther than this, and even some of the religious papers undertook to sum up the evidence, hold the scales of justice, weigh the evidence, and decide adversely to the prisoner. Good God! are we in a Christian country? Did not these writers know that this man would have to undergo a trial on this charge? Was it right, was it fair, was it Christian, to labor thus to create prejudice against him? Do they forget that the same God who gave the commandment, "Thou shalt not kill," also commanded "Thou shalt not bear false evidence against thy neighbor?" Did they not know that, although the old law was given amidst the loud and dreadful thunders of Sinai, a new and better law was ushered in under different and vastly contrasting circumstances: the one amidst tempests and lightnings, the hurricane and the whirlwind; the other in the stillness of a calm, clear night, when the shepherds heard the song of angels and a babe lay in a manger. The God who thus came to save us gave men a new commandment which superseded the dreadful Jewish law, and this was "that they love one another." Where is the love, where the mercy of these writers? All is wanting; and yet these gentlemen are called Reverend and Christian men! Have they ever thought of what their Master did when a young man came to him and asked that he should cause his brother to restore to him his inheritance, of which he had unjustly deprived him. Did he presume to hold the scales of justice? Did he venture to sit in the judgment seat? What was his reply? "Man, who made me Judge between you?" They had better reflect upon this ere they ventured to tamper with the life of another fellow creature. Another point for your consideration, gentlemen, is this: Are these the remains of Sarah Margaret Vail? This they have utterly failed to prove. Every medical man, except Dr. Earle, and he as Coroner, seems to think himself bound to assist in procuring a conviction, stated that there was not the slightest clue in the remains to enable them to judge whether the remains are those of a male or female. All say the larger bones are the remains of an adult human being, but more than this they cannot say. Will you on such testimony take away a life? Forget not this when you go to your jury room. It is no trifling matter. The point is one on which you have no right to have convictions unless they are based upon the fullest and most conclusive evidence. It was not proved that these are the remains of a female, and *a fortiori* that they are not the remains of Sarah Margaret Vail. Look at the circumstances on which you are asked to say so, and weigh it well. For the commission of such a crime as this there must be a great motive. Where is the motive? What object could the prisoner have in taking away the life of this girl? None whatever. It may be said that he had an undue and improper intimacy with the girl. For that I offer no excuse whatever. As a married man he had no right to form such an intimacy. He should have abstained from such connections; but from the evidence of Mrs. Crear it appeared that he was sensible of his fault and sorry for it. She says he cried when she spoke to him of having se-

duced her sister, and also that the girl forced herself upon him. That may palliate but could not excuse his conduct. Some married men would wish to hide the fact of such a connection as this from their wives and families, and so may be tempted to commit a greater crime, but this motive was wanting here. The prisoner's intimacy with this girl was known not only to his acquaintances but also to his wife and family. Some say it was her money. Good God, her money! Have you heard the evidence? Can you imagine that this young man, standing high in his profession, overwhelmed with business, netting \$3000 to \$4000 a year, would take away life for such a sum as \$500. Is all decency banished from the land, that such a suspicion can be harbored? Why, the poorest beggar would not commit so great a crime for so paltry a sum. It is simply incredible. No one can believe it. What could have been his motive? If he committed such a crime, God alone knew it. No human eye had seen him commit it, no human ear heard him, nor can human comprehension grasp the motive that compelled him. Then consider that the man who intends to commit murder chooses secrecy, silence, darkness. What secrecy was there in the conduct of the prisoner? In broad day light, in one of the principal streets of the most populous city of the Province he takes a coachman off the stand, drives to a hotel, there takes up this woman, then drives out to the Lake in view of the whole community. If this was a preparation for murder the annals of the world present no parallel to this case, nor could any one present, in his wildest day dreams, have imagined anything so preposterous as that he should thus, in broad day, have gone to commit such a crime in the light of that sun which at the instant should have been darkened. Good God! it is incredible. The case of the Crown was that he contemplated murder when he drove out on Monday. Can you believe anything like that? Why in the name of heaven, or rather of the Prince of Darkness, did he not do it on that day? The road was then as deserted of passengers as on the Saturday. That was proved by all the witnesses. If his own story was not the true one, what took him out on Monday? Why wait an hour and a quarter out at that place. On his return to Bunker's he stated openly in presence of Bunker, and without any attempt at concealment that they meant to go out again. I ask you to say whether at that time he had murder in his heart. Will you believe it? A man having murder in his heart does not proclaim it in this way. Was this the conduct of an innocent man, or of one intending to commit murder? You must be satisfied that it was the conduct of an innocent man. If he wished to commit this murder why did he not do it when they were together in the States. In a large city like Boston there were many opportunities. They were strangers in a strange land. No one knew him or her. Completely under his control, as he was said to be, what was there to prevent this deceiving her into a place suited for such a deed, and then committing it under cover of darkness. If her body were afterwards found no one would know her. No suspicion would ever fasten upon him. Can you believe that he would bring this girl home, where she and he were known, and then commit this deed. If so, he should be in a lunatic asylum. He certainly can't be in his senses. Let us follow this matter up. What does he do? He goes to Fredericton on the Thursday, and does not leave that place until Friday afternoon. It was late in the season, and probably it was late in the night or early next morning that he arrived in St. John. I want you to mark



this especially, because Mary Black stated that on Friday a gentleman called on Mrs. Clarke and went to her room. There can be no doubt on that point, for when further questioned by the Attorney General she said she remembered the day as that on which she had most work to do. She said she did not know who it was. Who was that man? Certainly not the prisoner at the bar. Who was this man? What arrangement was then made between him and the woman? With this mystery surrounding the case what right have you to presume that the prisoner murdered her. If he was so foolish as to bring her down from Boston to this city, where every step he took was fraught with danger, why at least did he not make some attempt at concealment. Why did he not get a buggy as he might have done and take her up at some street corner and drive her to the place where he meant to perpetrate this deed? but he did not do this. Did you ever hear anything like this? He took the same hackman with him, and this man, Worden, says stopped near the place where the remains were found. Worden looked back and saw Munroe and the woman walking towards Collins's, the man on one side, the woman with her child on the other. You must assume that they retraced their steps and went into that place. Am I misrepresenting the evidence? That that is the only conclusion you can arrive at, I can show you on this plan. He says he stopped there (pointing to plan). How long would that coach be in sight? I assert it would be almost to the Forks. Before he could have turned back to commit murder in this place, the coachman must have passed the Forks. What time would that elapse? Say five minutes. He must have walked for that time towards Collins's and then retraced his steps. Now what sort of place was that to take a woman into for any purpose after those heavy rains. Only two nights before 25 per cent. of all the rain of that wet month had fallen. Could he have got a woman in there for any purpose. What would induce her to drag herself in there. Now there is a path, then there was none. Would she voluntarily go into that swampy, horrible hole. Incredibly. He dares commit murder on the road and drag her body in. That was too monstrous a hypothesis. How in the name of heaven did he get her in. Then remember that all the way on the right hand side there are woods in which a short distance from the road they would be thoroughly concealed, and from which only one road need be watched. Yet it is said that he took her in between two roads and placed himself in a position where he could be observed from two roads. Is this probable, is it credible? If he acted so, then he was a candidate for the Lunatic Asylum. Take the evidence of George Bunker. He says that Munroe came to the house in half an hour to forty minutes after the coach. They should not allow a witness to stretch the time when they were trying a man for his life, but take the shortest time, or allow the whole time, the fullest time, what time had he to commit this crime. The prosecution took pains to show that after committing the crime he waited to cover the body with moss and to cut branches to cover it, and then he had to walk three quarters of a mile. This could not be done in less than fifteen minutes, and it seems incredible to me that he could walk that distance in that time on those bad roads. Then what was his manner when he arrived at Bunker's. It was said that it was perturbed. Does the evidence show that his appearance was anything but what a man would show after a rapid walk. Bunker and Worden observed nothing

more. All that was against him was, that he said he was in a hurry to get into town. A man steeped to the lips in crime, who earns his daily bread by taking human life, whom long practice in crime had rendered callous, could not be more calm in his demeanor after the perpetration of such a crime than the prisoner was. Will you say that he was a man steeped to the lips in crime? Yet he must be if he could have done all this, and if you believe this testimony. When a man commits such a crime for the first time, he shows it in his looks, his manner, his demeanor. He goes down to the wharf on Monday to get her luggage checked, and according to the statement of Marshall, says he had just time to see Miss Vall, give her the checks, and say good bye. The law of England does not favour such confessions as these. It is harsh, enough, severe enough, cruel enough, without authorising its officers to cross-question and torture the prisoners in their custody into making confessions, to be used as evidence against them. If the evidence of John J. Munroe and Potts is true, what can the public think of the conduct of John R. Marshall, whose duty it is to protect the prisoners when in his custody—he who had met this prisoner in the family circle, had known him from boyhood, had worshipped before the same altar with him, and under the guise of friendship entered his cell and said, "Now John, if there is any one in whom you should have confidence, it is in me! I have known you and your family, and your friends, and whatever you say to me shall be in strict confidence," and then, when he had thus betrayed his victim into confession, immediately repeats what he had been told to the authorities. This is what John R. Marshall did. In guise of a serpent he obtained a confession, and then betrayed the confidence of a man he called his friend. No conduct could be more despicable, mean and contemptible than this—nothing more horrible in a Christian—nothing more reprehensible in an officer of the law. He should be dismissed at once, if his evidence is true, as unfit for the position he occupies. If it is untrue, there is most wilful, deliberate, malignant perjury. Based on this statement is the whole, or nearly the whole of the evidence. I do not envy the feelings John R. Marshall must experience if his miserable, contemptible, sneaking conduct succeed in making a case. He would succeed by prostituting friendship, and at the expense of respectability, and he was going to say of character, but he had none to lose. The man who could pay such a price to secure a conviction was entitled to little credit in any community. He admits that he touched Jones' foot when Munroe was making that statement. If this was accidental, as Jones said, how would it have impressed itself on the mind of Jones. If he accidentally touched the foot of one of the jury in passing would either remember it half an hour after? If it had a significance, then it was what I charged. Let us now pursue the thread of this reasoning. It is said that he got the trunks put on board the steamer. Now here was another most extraordinary feature of the case. If he was guilty he must have the checks. What so easy as for him to go to Boston, send a messenger from any hotel with the checks and get the trunks. He could easily have found a satisfactory pretext for the journey. Would not a guilty man have done that? Would he not have removed such evidence of his guilt? Does it not show conclusively that he is innocent, that he had not done so. Another thing. Would not a guilty man have removed all the clothes from the remains. All evidence of identity would have been destroyed then. No one ever knew a man act in such a manner as

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he must have acted if he is guilty, leaving all the evidence against him untouched. The thing is perfectly monstrous. Let us follow up these circumstances. The remains are found. The Inquest is held. Munroe is the guilty man they say. He could have left while the Inquest was being held; no one would have noticed his leaving, and in Boston or New York he could have awaited the result of the Inquest. If nothing came out to incriminate him he could have returned; otherwise he could have concealed himself. But what does he do? The Inquest goes on for eight or ten days before any suspicion attaches to him. He attends to his business at the jail, showing no uneasiness or trepidation or alteration in his manner. Follow this up. Guilt always hides its head. Did he hide his head? The moment it came out that the police were looking for his brother George, he came to me. I said to him of course, Munroe, you are innocent. Go to the Coroner, tell him they are looking for the wrong man, and give yourself up, and he did so. Did you ever hear of a guilty man who did a thing of that sort. Throughout the whole investigation there is no trepidation—no change of demeanor. Surely this ought to plead for the man. Surely his previous character should plead for him. The whole identification of the clothing rests upon the evidence of the two sisters. Once that they made up their minds that their sister was murdered their evidence became absolutely unreliable, and they were ready to swear anything to convict Munroe. Take Mrs. Lordy's evidence. She is evidently a woman of strong feelings. Her testimony on that account should be taken with much reserve. When she carried her evidence to such a pitch of malignity she should be watched. Perhaps she meant to tell the truth. No doubt she did, but what she said with regard to the trunk, I have shown to be untrue by the evidence of J. J. Munroe, who was not at Mrs. Lordy's until Tuesday, whereas the trunk was taken away on Monday. The evidence of Knowles made the contradiction complete and overwhelming. I ask you in common decency to throw aside her evidence. Now come to the evidence of Mrs. Lake. She admits that she saw little of Mrs. Clarke, but in her desire to fix the charge on Munroe, she swore positively to the child's dress. When a woman carries evidence to that pitch it is time for Jurors to hesitate. I could not believe it. She saw the statements in the papers, was satisfied of the guilt of Munroe and was prepared to swear anything. Mary Black knew so little of colours that she called the trunk yellow, yet positively identified several articles as having been worn by the woman and child. She swore positively also to those beads. A peculiarity of this part of the case was that the beads were loose, and those found were not only strung, but had a clasp. This is conclusive testimony that the child was not Mrs. Clarke's. She had no time to string the beads before she went out on that Saturday morning, and certainly no time to get a clasp. If other circumstances were against the prisoner these were in his favor. The identification so far as based upon the beads fails almost conclusively and the facts tell against the case for the Crown. Mrs. Olive produced a child's skirt which she said was a particular pattern, and by this she pretended to identify some of the other articles. Mr. J. J. Munroe discovered a pattern precisely the same. The other skirt I obtained only the night before last, and he had no time to look for a similar pattern. Any lady would say it was a common enough pattern. This shows how people will swear. Mrs. Dykeman and Miss Campbell did not presume to identify any of

these articles and only said they looked like the articles. I call on you to recollect that the materials are common and any other woman may possess similar articles. There is not a tithe of evidence to prove that the remains are those of Mrs. Clarke or Miss Vail. With regard to the irregularities of the teeth we have it in evidence that such irregularities are very common. Why was not Mrs. Jenkins, sister of Miss Vail, produced when so many other witnesses were brought up. Does not this omission seem strange. While they sent to Boston for witnesses respecting the trunk, one most important piece of testimony they left behind—the passenger list of the "New England" for Nov. 2nd, which, according to the evidence of Capt. Chisholm, is filed away in the office of the Treasurer. It would have been satisfactory to the Judge, to you and to the public, if this had been produced, and it was shown that the name of Miss Vail was not on it. Another fact worthy of observation is that Mrs. Conlin, an old woman of 85 was brought in to give evidence, and the young woman, Mrs. Conlin, who perhaps could have proved something, was not produced. Curious thing that, is it not? I must say I never saw anything conducted in this way in all my life before. Counsel then read from the work of Wills on evidence, the history of a case given by Sir E. Coke, which occurred in the 8th year of the reign of King James. A gentleman had care of the child of a deceased brother who had property in her own right. He on one occasion chastised her, and she was heard to say, "Oh, uncle don't kill me." She was not seen again. The uncle was indicted for the murder and admitted to bail on his undertaking to produce the girl at the next Assizes. He procured a girl about the same age and dressed her as his niece, and produced her, but on view it was found that she was not the same, and he was convicted and executed. Yet some years after the niece, grown to be a young woman, appeared and claimed her property, and her claim was established. It appeared that she, having been chastised, had fled to a neighboring county, when she was sheltered during those years. He learned counsel dwelt on this as proof of the unreliability of circumstantial evidence, and proceeded. There is one thing particularly to which I wish to draw your attention. The evidence of Robert Holmes tells almost conclusively in favour of the prisoner. Here is a sketch of my own to show the position. The learned Counsel then argued on the assumption that Holmes saw a man named Moore enter Bunker's, who must have passed the place where the remains were found precisely at the time the murder was said to have been committed. I am told that Marshal and Powers were out at the grounds making experiments with pistol shots. No evidence was given of such experiments. If they were made, and the evidence withheld, then were they doubly damned. No doubt it was withheld because it would tell in favor of the prisoner. Nothing more horrible could be conceived. How dare they act in this manner. No language is too strong to stigmatise such conduct. Another thing you should remember. When the crime is said to have been committed the foliage was fallen. The place could be seen from the road, and a person passing would have his attention immediately attracted by human figures especially by a female in a colored dress. The trial of Spencer Cowper for the murder of Miss Stout, a Quakeress, is another of the many cases that show how unreliable is circumstantial evidence even when it seems strongest. Mr. Cowper, whose brother was afterwards Lord Chancellor, was pressed to stop at the house of

Miss Stuart, who had conceived a sinful passion for him. He called at the house, spent the evening, but refused to remain for the night. He and Miss Stuart were soon to leave the parlour together, and the hall door soon after closed. Her body was found next day in a river close by. Cowper was tried for the murder and came near being convicted. The parties prosecuting him, not satisfied, then presented what in those days was called an appeal for murder. The writ was quashed for some informality, and the Lord Keeper refused to allow another writ to issue. This saved his life, as the crown had no power to pardon when a conviction is had on such an appeal. Yet there is now no doubt that Cowper was innocent, and that the woman drowned herself. He cited this from "Bush's Criminal Cases," page 272. He also from the same work cited a case which occurred in New York. He then proceeded:—There is one rule of law to which I wish particularly to draw your attention. These confessions which have been extorted from the prisoner under circumstances discreditable to the officers of the law, must, if admitted, have full force, and if received in part, must be received in whole. If one part of them is taken, all must be taken. In the same breath that he told the rest he stated that Miss Vall went in the boat. The Crown put in these confessions and must take the consequences. The rule is laid down by the highest authorities that you can not take part, that you must take the whole. This law is clear, undoubted, and cannot be controverted. I have but a few more remarks to make. You saw that the hair, the teeth, the buttons, the skirt and other articles were matched. In this state of facts how can you place the life of a human being in jeopardy when it is not even proved that the remains are those of a female. Have you any idea of what the consequence of your verdict will be if you find him guilty. It will send him to the scaffold. It will deprive him of life, perhaps life eternal. There will be no means of rectifying this if your verdict proves unjust. There will be no appeal. Take no such awful course. The charge of the Judge will not relieve you from the responsibility. I hope in God your verdict will be in accordance with mercy, such as the founder of the Christian religion came to teach. The evidence must appear to you conclusive before you incur such dreadful responsibility. If you find him guilty, each one of you must feel that by him and him alone has the rope been placed around the prisoner's neck. I appeal to you as sons, as husbands, as fathers,—by the memory of the mother who watched over the days of your helplessness, and hushed the wallings of your lips, yet all too feeble to lip the simple prayer she longed to teach you; who, with love undying, guided the tottering steps of your infancy, and the wayward treading of your youth—a love whose first pure ray was shed upon your cradle, and which, it may be, will throw around your dying bed an almost hallowed lustre. Sunder not, I pray you, the mother and her first born boy! By the remembrance of your father, whose love, second only to a mother's, has watched with anxious care your goings out and your comings in, whose fondest joy and pride it was to foster your growing power, and as best he could to train and fit you fairly to win, and worthily to maintain, an honorable place in that rough school of life, in which the stern tasks of manhood must be mastered,—break not, I beseech you, the father's heart. Some of you are husbands. By the devoted love of her whom you call by the honored name of wife; of her who for your sake has left father and mother,

sister and brother, and placing her hand lovingly in yours, has smiled upon you in the days of your sunshine and prosperity, and cheered you with kindly words of sympathy and encouragement in your days of darkness and adversity; whose path can never diverge from yours until it shall be lost amidst the gloom and shadow of the Valley of Death. Oh, by this love, I implore you to remember the wretched wife, and save her from the most awful of all widowhoods. Some of you are fathers. Oh, let your children plead my miserable client's cause! You well know how much of happiness and joy those little creatures, so dependent upon your love and care, can diffuse around your homes; how strong the tendrils which, stretching out from them, are wound around your hearts. Your chiefest thoughts are for their welfare,—your brightest hopes are clustering around their little forms. The strongest incentive to exertion which you possess are the children whom God has given you; aye, and on your dying bed your latest anxiety will be for the orphans so soon to miss a father's love and a father's care! By the love that you bear to your little ones, have mercy upon that hapless father and his little ones at home! Yet a few short years at best and the sands of your lives and of mine will have run themselves away! Even now over some of you the Angel of Death may be hovering, though you see not the shadow of his approaching form, nor hear the rustling of his wing. Oh! in that supreme hour, when the death drops are gathering upon your aching brow, and the closing eye has looked its last upon the things of time, how sweetly upon your dying ear will fall the gracious words, "Blessed are the merciful, for they shall obtain mercy." Remember that the measure which you mete to others shall be measured to you again. Oh! let your verdict of acquittal this day plead for you on the last great day, when before that dread tribunal, whose sentence is eternity, you yourselves shall implore the mercy of your aviator and your Judge.

### THE ATTORNEY GENERAL'S SPEECH.

Our reporter did not hear some of the opening remarks of the Attorney General. The following passage we therefore copy from the report of the *Telegraph*:

The Attorney General said:—It becomes my duty as Attorney General of this Province, to address you on behalf of the prosecution in this painful case, and you will give me credit for sincerity when I say that the duty which I have to perform is to me one of no enviable character. I have been sworn to look after the public rights, and to maintain the public peace, and see that the interests of justice are not sacrificed, and I have attempted to do my part faithfully without fear or favor.—For doing so I have been assailed by the defence as a blood-thirsty Attorney General—as the conductor of a most savage and intolerant prosecution; but the charge falls lightly when I can appeal to my own conscience and find there a justification of my course. If I

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had failed in discharging my part in this prosecution—if I had consented to allow evidence which was vital to the cause of justice to remain unheard—what would your opinion of me have been when it was known to you that a most brutal murder had been committed under circumstances of peculiar atrocity, and that it was essential to the cause of justice that its perpetrator should not escape? Would I have been worthy of your confidence or of the confidence of the Government which appointed me, if I had been derelict now? The Chief of Police has also been rudely assailed. But was it not his duty to see that every means was employed to bring the murderer to justice? or are our officers to stand by in silence, to close their ears and fold their hands while the human victim is being bereft of life and the safety of the community endangered? The Coroner has also been attacked, but I only say that I believe he has done his duty in the most admirable and exemplary manner, and the same observation is true in regard to Mr. Powers. The manner in which the Coroner, an officer having but a short experience, conducted the tedious and painful investigation in this case, was admirable and creditable in the extreme.

Certain propositions of law have been laid down by the learned and able Counsel for the prisoner, which require notice. He has told you that the Crown having put in evidence the statement of Munroe made to the Coroner, you are bound to accept it as a whole or not at all; that if you believe his statement that he went out in the coach with this woman, you must also believe his statement that he saw her leave in the Boston boat on the following Monday morning. I deny that this is the law. The learned Judge will tell you that you may believe it in part and reject it in part.

The Hon. Attorney General then proceeded.

A most solemn and eloquent appeal has been made to you against capital punishment, and you have been warned in the most emphatic way respecting the consequences of your verdict. Gentlemen, with that you have nothing whatever to do. You are not the makers of the laws. It is simply and plainly your duty to enquire into the facts of this case and return a verdict according to the evidence, to the best of your judgment. You have been called upon in the most solemn manner to remember that the Angel of Death may be hovering over some one of you now, though you do not see the shadow of his form and hear not the rustle of his wings. Yes, gentlemen, that may be true of you, it

may be true of any of us, and therefore I trust that you will remember that while you are deliberating upon the evidences, and that you will render your verdict as if you believed that to-morrow's sun may find you before the bar of the Almighty Judge. And if the sands of your lives should run for a few months or years longer, and you should be spared to mingle with your fellow men what position would you occupy in their eyes if through sympathy for the prisoner or because you entertain any peculiar views with regard to capital punishment, you allowed yourselves to be influenced by the appeals now made to you to acquit a man whom, according to the evidence, you should have found guilty. What would be your position if because of the pathetic appeal addressed to you, you disregarded your duty and the solemn obligation of your oath? It is your duty merely to find a verdict as to the fact, and you have nothing to do with the consequences: nothing to do with capital punishment. If because I was opposed to capital punishment I neglected my duty as a public prosecutor, and either by drawing a defective indictment or by omitting some material evidence, allowed a prisoner to escape, what would you think of me? If a witness called to the stand, and sworn to tell the truth, because he was opposed to capital punishment and was satisfied that a prisoner's life was in jeopardy, thought proper to vary facts or withhold the truth, what would you think of him? What could they say of him but that he was guilty of perjury? And what better position would a jurymen hold who through such scruples would refuse to find according to the evidence? It has been argued at great length that the prisoner should be heard in his own case, and that great injustice is done because he is not allowed to give evidence; but many able men say that this would be the greatest cruelty. The law of England acts mercifully. It puts the prisoner at the bar as an innocent man. All the presumptions are in his favour, and if any reasonable doubt exists in the case then they have no right to weigh it, but are bound to give the prisoner the full benefit of it. Such is the mercy of English law. If the prisoner makes any statements, and it can be shown that it was made under the slightest inducement, that statement is not admitted in evidence. Such is the mercy of the law. Suppose that law was altered and the prisoner did not choose to give evidence, would not the irresistible conviction then be that he was guilty? All the safeguards the law now sets about the prisoner would be removed. Many able



men regard the provisions of the law now existing in this respect as most merciful. I do not appeal to you, as the counsel for the prisoner did in that speech of marvellous eloquence which none who heard it can ever forget, to be governed by Judges or actuated by prejudices, but I address myself to you as men sworn to try this case according to the evidences. He appealed to you with all possible solemnity of tone and manner in the name of the Saviour, to stand between the prisoner and the gallows. I regret this. Is this the way Jurymen are to be treated? Are men solemnly sworn to try this case according to the evidence to stand for all their lives as perjured men, and is this to be asked in the name of the Saviour of all? What I ask is that you investigate the whole evidence fairly, and that if there is any reasonable ground for doubt the prisoner shall have the benefit of that doubt. The learned Attorney General then cited authorities to show the value of circumstantial evidence, and relied much upon the very case of Sir T. Davenport, cited by Mr. Thomason. In that case Sir Thomas positively identified the men he accused as being those who robbed him. They established an *alibi*, and this, which was circumstantial evidence, proved to be more reliable than the direct evidence of Sir Thomas, the innocence of the men he accused being afterwards conclusively proved by the apprehension of the real robbers. Some of the authorities say that as a few persons may agree to a story which they may all repeat as direct evidence without having their testimony shaken, but it is impossible that a large number of witnesses stating several facts can fabricate. Such a strong circumstantial evidence may be even more satisfactory than direct evidence, and there have been more instances than one in which such has been the case. He continued;—The counsel for the prisoner had asked them to do away with circumstantial evidence because there have been cases in which parties were improperly convicted on such evidence; but there has been a very much larger number of cases in which persons were unjustly convicted on direct evidence. So that if you do away with circumstantial evidence on such grounds you must also do away with direct evidence. Then there have been cases in which persons made confessions of crimes that were never committed, so that for the same reason confessions must be set aside. All evidence would thus be wiped out. Where then could evidence be found? How could crime be punished? Crime would run riot, and no man's life would be safe. There can be no safety

in any community in which the laws are not properly administered. You have been appealed to not to sever the husband from the wife, the child from the parent; but who has been the cause of the separation? If the prisoner had had any regard for those ties, would he have maintained for years an illicit connection with this woman on the other side of the water, forgetting the partner of his bosom and the children of his loins in the arms of a paramour? The learned counsel for the prisoner did not during his speech, in the wise discretion for which he must receive all credit, think proper to refer to the evidence he produced to show that the woman had been seen after the date of the murder. I will refer to the character of that evidence by and by.

Mr. Thomason:—I did not refer to it because I understood the Judge to desire me to close before one o'clock. I acted in entire deference to the wishes of the Court.

Judge Allen:—I certainly did not limit you in regard to time. I am very sorry if you misunderstood me. I should not have stopped you if you had spoken until six o'clock.

The Attorney General resumed:—I will now proceed to comment upon the evidence in this case. I assume in the first place that a dreadful murder has been committed, and that the person murdered is Sarah Margaret Vail. It has been said that there has been no proof that the skull was the skull of a woman, and much has been made of the fact that the medical men could not say whether the remains were those of a man or of a woman. But you are not confined to this only, you are bound to look at all the surrounding circumstances, and when you find with those bones the hair of a woman, the bonnet of a woman, a woman's dress and drawers, and underclothing, and when in addition to that a child's remains are found, an infant a few months old, do you require any stronger testimony than this to show you that the remains are those of a woman and a child? It would be absurd to suppose that a man would have been there in that lonely spot in charge of this sucking infant—even leaving out of the case the conclusive evidence furnished by the discovery of the hair and clothing. The first point for you to consider is, was the body found that of Sarah Margaret Vail? Because, I candidly tell you, if that fact is not established, the prisoner is entitled to be acquitted; and if there should be any doubts in your minds in reference to this, the prisoner is entitled to

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the benefit of them. The learned counsel has argued that we have no evidence to identify those remains. We have the evidence of Mrs. Crear, and the evidence furnished by the prisoner's own statement to the Coroner; that the woman whom he took out in Worden's coach was not Mrs. Clarke, but, to use his own words, "the Vail girl from Carleton with whom I have had so much trouble." It has been contended that there is no proof that this was Sarah Margaret Vail, but no other Vail girl than this has been spoken of. She was the only unmarried sister, and the defence has not shown that there was another girl of that name in Carleton. And when I speak of giving the prisoner the benefit of the doubt, I mean a reasonable doubt, and not a mere fanciful and imaginary one. What reasonable doubt can exist here of the identity of Mrs. Clarke with Sarah Margaret Vail? Supposing these to be her remains, the question arises, who inflicted the wound that caused her death? Unless you are satisfied beyond all reasonable doubt on this point the prisoner is entitled to an acquittal. The remains were first found by certain colored people who have testified here; the affair got to the knowledge of Mr. Douglas. He showed them to Dr. Earl. It was evident that the remains had been covered with moss and afterwards torn to pieces and devoured by wild animals. They were allowed to remain as first seen; till taken up by the Coroner and Mr. Powers, who brought them to the city and have kept them in their custody ever since; so that no doubt whatever can exist that the bones now exhibited are the identical remains discovered near Black River road.

It has been said that there must be a motive shown for the commission of so disgraceful a crime. Such a murder, no doubt, must have had a powerful motive. But was there not such a one in this case? The prisoner is a married man with two children. This woman, with whom he has been maintaining a connection for years, has a child which is believed to be his—she has sold, for \$500, the property left her by her father; and although he states that she sold it contrary to his advice, Mrs. Crear says that he did advise her to sell it. Here, then, is this woman following him about at a time when his passion was turning into disgust, and she was no doubt irksome and tedious to him. I can hardly conceive a stronger motive to get rid of her than that he had a wife and children, a character for sobriety, that he was rising in his profession; that this

girl was dogging him and demanding money of him; that he could not offer her a home, and that he dreaded the effect exposure must have upon his business, turning away from him in disgust those who employed him. This, he admitted, for he speaks of her as the Vail girl that he had had so much trouble with. It is shown that on the 6th of October she got the money for the house, and immediately afterwards starts for the States. She insists on going with him against his remonstrances, for Mr. Fenety and others with whom he was acquainted were going on at the same time, and he did not wish to be seen with her. Would not that be irksome and make him desire to get rid of her? His Counsel says, why did he not do that? The reason, if he had a reason, slumbers in his own breast. It may have been that it was because it was a strange place, or because he was with persons that he knew, and may have feared detection. He was followed by her to Boston, and she dogged him back. He had to take care of her, for she had sold her property, and she had no home, no place to rest her head. He took her to Lordly's under an assumed name, but Mrs. Lordly suspected her and it became necessary to seek another place of concealment. In this position he was forced to move her from house to house to prevent detection. Can you imagine anything more irksome? Is there a man in the world who would not give any earthly possession to get rid of such an intolerable burthen? I do not mean to say that the motive here mentioned would influence every man to commit such a crime as has been perpetrated here. It is not every man who, under the guise of friendship, would have taken that woman and her babe into the woods under some pretence, which no man can declare but himself, and in a moment, in the twinkling of an eye, sent her with all her sins upon her head into the presence of her Creator, leaving her body to be torn by dogs, and to find a place of burial in the maws of the wild beasts of the forest. Evidence as to the prisoner's good previous character has been much relied upon, but where is there a man who at some time or another has not possessed a good character? Every man has one until he forfeits it. The witnesses swore they could not believe it when they heard that the prisoner was charged with this crime. Why, no, one else believed it. No one could be more surprised than the learned judge himself when charged with the crime. But when circumstances came

tumbling in from all sides, and Providence ordained that concealment should be no longer possible, was there one of the witnesses who would say that he did not believe him guilty? The murdered woman had five hundred dollars, and it may be that it was buried with her in the moss; but is there not another conclusion much more reasonable as to its disposition? When she was at Lordly's she said she had no money, and when she had a paltry bill of four dollars to pay, she went out to the prisoner, who was in the coach, and then returned and paid the bill. Is it not reasonable to believe that she then got that money from him? He told Worden that it made no difference what he charged for coach hire, for it would not come out of him. Had he her funds deposited with him for disbursing it? The learned Counsel speaks of him as in receipt of a large income; but the evidence shows that he was not flush of money. When the child was born, and Mrs. Orear went to him to get money for the child to procure some little necessities, he sent the paltry sum of three dollars. As for herself, at that inclement season, she was so poor that she had scarcely a rag to her back. She had not even a night dress, such as even the poorest have, and she was forced to cut up the fragments of her old dresses to cover up the nakedness of the poor little infant—the child of her shame—his child! Says Mrs. Orear, Well she may care for it; it was the child of her shame; the only being in the world to whom she could then look for love and kindness, but which marked her all her life a whore and a strumpet. And this was the way in which he kept the woman who had sacrificed herself for his sake, to whom he could make no honorable reparation, who, to satisfy his desires, had made herself an outcast from society, ruined in character, beggared in reputation, with nothing to care for or love but her unfortunate child! Looking at all this evidence, that he had her money, that she was dogging him and clinging to him, that his reputation, his character, his position, were at stake, that his employers would spurn him if they knew that he had this woman attached to him—this unfortunate appendage—the motive is as clear to me as the noonday sun. He showed great anxiety to get rid of her. Few men would take such means; perhaps he did not. It is for you to judge from the evidence.

Looking at the evidence, I would first call attention to the testimony of Worden, which has been assailed; and it would be observed by the Jury at the outset that the

place to which the prisoner told Worden he was going was Collins'. But when he went with this woman he called on the coachman to stop at a point three quarters of a mile distant from Collins', which happens to be opposite to the very identical spot where the remains were found. Why did he get out of the coach at that spot, and compel the woman to carry the child so far to reach Collins'. He stated to the Coroner that he got out because he did not wish to be seen with the woman, for fear the painter she went to see would not like it. Could he not have driven closer up to that clump of trees without being seen? If he did not wish to be seen by the painter, to whom he stated he was taking the woman, why could he not have got out of the coach himself at Bunker's or at that place, and sent her on to the painter in it? Would the painter have been offended because the woman came to him in such style? The first day they went out was fine, and they may have perhaps wanted to take a walk; but on the next day, which was sloppy and wet, what was the notion for getting out at the same place? Is it within the range of probability that this story of the prisoner's can be true? She was going first to the States to marry some one there; then after coming back she was going out to Collins' to marry some one there; and yet with the intimate relation in which he stood towards this woman, can it be believed possible that he did not know the name of either man? He told Worden on his return the first time that the folks she wanted to see were not at home. Who were these parties? We brought every person in the settlement to show that no such person had ever been there. This, if he had been an innocent man, would be an act of mercy; but if guilty it becomes the means by which the falsity of his statement is established, and the brand of Murder fixed upon him. Where was that woman from Saturday night until Monday morning, when the Counsel for the defence would have us believe she went away in the boat? I charge the prisoner at the bar with the absolute custody of that woman from the time they left the coach on that 31st of October. She had no change of clothes with her, no little necessities such as would be required for the child. Is it to be supposed that this woman slept in the forest all night? If she went away on Monday where did she stay meantime? Everything has been done to give him a fair trial. The Court has been adjourned, and a new panel has been summoned. It may answer to tell children that the prisoner

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was unfairly pressed, but not for sensible men. It was for the prisoner to show where the woman spent those days. He surely must know the name of the man she went to marry. Between the two trips out there he went to Frederickton. Even assuming that it was necessary for Munroe to go out with the woman the first day to show her the way, no such reason existed on the second occasion. Yet they stop there at the same place, forty minutes elapse, and he returns very warm, and in such a hurry to get into town that he will not allow the coachman to wait for his dinner, although it was nearly ready. And yet there was no apparent cause for such haste. It could not have been banking business that took him in in such a hurry, because he did not get back until four, while the Banks close at three; so that the irresistible conclusion is that some ulterior purpose underlaid all his actions; and the explanation given by him of the reasons of his visit to the place cannot be the correct one. When he returned without her, he said the people were at home she wished to see, yet he cannot explain who these people were, nor can he tell who brought her into town; yet Worden states that at 7.15, when he saw Munroe at the boat, he told him that the woman and child had arrived; and surely between that time and 8, when the boat started he must have had an ample opportunity of conversing with her, finding out where she had been, and who drove her into town. If she had come into town that night who so likely to know it as Mrs. Lake? If she had remained in the settlement, a strange woman with her child, surely some one would have known it; but never again, as far as known, was she seen by mortal eye. In the name of goodness who were the persons she stopped with? The reason of his haste from Bunker's, so emphatically displayed, was a natural desire to get away as far and as fast possible from the scene of a dreadful crime.

Nothing can be more full and complete than the evidence of the identification. Mrs. Lordly has been, it is true, contradicted by the father as to the mark cut on the trunk, but the mark is there and corroborates her testimony; even if mistaken on that point her evidence is important in other respects. She speaks to the dress and hair of the woman, the age and dress and hair of the child. The black dress of the woman and black waist ribbon, she described, correspond with those found. Here we find that the child had two dresses, both made out of the same material—an old dress of the mother's—one is found in her trunk and

the other in the woods with the remains. Mrs. Lordly swears to the child wearing the dress found in the trunk brought from Boston. Mrs. Crear explained that these two dresses were made from an old dress of the mother's, and that she helped her to make them up. I maintain that in all the annals of crime there never was a case in which circumstantial evidence was so cogent. It was said that none but a madman would have chosen such a place; none but a madman would perpetrate such a crime. A woman and child are taken away by the prisoner and never again seen alive. Twelve months later remains are found on the spot where she was last seen with him, with a bullet hole in the head such as would cause instant death. And, close by, the skull and remains of a child. Add to this that her teeth are identified by her sister; that Mrs. Crear is able to point out where one tooth has been extracted, where a tooth overlaps the other, and that another has a hole in it which she used to pick with a pin; that her clothes are identified, the dress made gown fashion and her own sewing on it, and the truss worn by the infant, even the little string of red heads given to it by Mary Black, giving their silent testimony; and there is but one conclusion at which reasonable men could arrive. The woman's dress is identified by Mrs. Crear: so are the drawers, which are worked in a peculiar pattern. Mrs. Olive, who gave her the pattern, recognises them and produces some of her own embroidery with the same pattern. Miss Campbell identifies the trimming and flowers of the hat, and Mrs. Crear, who bought the rest of them, produces them and they correspond with those found. There, too, is the evidence of the hair, which is identified: the testimony of Mrs. Crear as to the flattened bullet which she made and placed in a bandage for the child; and this is found with the remains: of Mrs. Lake, who identifies several of the articles found, the pink pinafore and blue dress—surely it cannot be that all this array of witnesses have sworn falsely! Mary Black testifies to the woman wearing a grey sack bound with black braid, and the pink sash. Both are found with the remains. On Friday she sewed strings on the latter, and here are the identical strings on it now; and she also swears that she put the bandage on the child that morning. The evidence of the little McLaren girl, given in childlike guilelessness and simplicity, is convincing. She certainly does not seem to have perjury in her. Yet she identifies the dress and the child's bandage



and the hat. On the sowlag is a peculiar button of a certain kind, and in the woman's trunk another precisely similar is found.

He read portions of Mrs. Olive's testimony and of a few other witnesses, and continued:—What can be more clear or convincing than this? Here it is explained that this pattern of embroidery was a rare one: that these articles of underclothing are the work of Miss Vail's own hand from the pattern and tracing of Mrs. Olive. Passing on to the testimony of Mr. March of the *News* and Mr. Smith of the *Telegraph*, I have briefly to say that these gentlemen who visited at the same time the grounds where the remains were found, gave a very clear description of the nature of the spot and its surroundings. While Mr. March was standing by the rock, Mr. Smith drove in a carriage along the road, calling out when opposite to the place, yet Mr. March distinctly testifies that he could not see Mr. Smith until he had passed on a long way from the place. John Collins has been brought here and you have his statement that he never saw the woman and child, that they never were at his house, and that he never brought them into town. In reference to the confession as stated by Francis S. Jones, I contend that it was entirely voluntary and was given by the prisoner after due caution. He asserts distinctly that Marshall and himself, cautioned him, reminding him of the probability of their being called to give evidence against him. He did not care for that and said he would make the same statement if he were on the stand himself. He then goes on and relates to them that Miss Vail had sold her property contrary to his advice; that she had persisted in going on to Boston with him in spite of his remonstrances; that some of his friends were going on in the boat with him and he did not want to be seen with her by them; that she went to Boston to be married to somebody—he didn't know whom; that having failed to meet that "somebody" in Boston, or even to get a letter from him, she came back in the same boat with him to St. John; with all that I have just read to you from Mr. Jones's testimony. Then the most extraordinary discrepancies as to time. He tells Jones and the rest that Miss Vail reached the boat on the morning of Monday, November 2nd, only just in time to get her ticket from him and go on board before the steamer left the wharf; while, according to Worden's testimony, the prisoner told him not later than a quarter past seven o'clock, that she had

arrived from the country. I shall have to allude to these discrepancies again when I take up the evidence for the defence. Jones says the prisoner referred to a letter which he alleged he had since that time received from Miss Vail, but this he had destroyed on account of its bad spelling. Surely if he had received such a letter he must know where she was when she wrote that letter! and must be able to produce evidence to show that she was alive in the United States after the period of this murder. Yet nothing of the kind has been done. He spoke also of Craft's having seen her, yet Craft was not called. When she went away from Lake's Hotel on the Saturday before with this infant she had not a single article in the way of change for her infant! If in that state she went on board the steamer, is it within the range of probability that on the way she would have got something out of her trunk for her child. But so far from her having made inquiry for her trunks from any one on board, it appears that when the hell was rung for passengers to have their baggage searched, the officers on the steamer at the time distinctly state there was no owner for these two trunks—in one of which something was heard rolling—to put in an appearance at all, and they at first supposed they had got a prize. It was said that she might have got out at Portland. Yes; but if she had would not she, who was so poor and almost in tatters, have looked after her trunk there or in Boston? The statement of Jones is corroborated by that of John R. Marshall, who had been so bitterly assailed by the learned counsel. His evidence corresponds with that of Jones and Dr. Earle. It was said that he had pumped the prisoner under the guise of friendship. This the evidence distinctly contradicted; but was it reasonable to suppose that he would take such a course, when he must have known that the statement he was said to have made to old Mr. Munroe, were true, the statement so obtained would not have been admitted as evidence? Was it likely he would do this?

Dr. Christie's testimony leaves no doubt that the hole in the skull was produced by a pistol bullet. Dr. Botsford confirms this opinion, and all the Doctors agree that the wound produced by a pistol shot in that part of the head would cause almost instantaneous death. The dentist testified that the tooth found was that of a child of the age shown by other witnesses to be that of Miss Vail's child. They were all of opinion that the tooth had not been cut. Dr.

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Bayard stated that when the front teeth of a child are cut as early as this one of three months he would look for indications of the molar teeth at a period correspondingly early. Dr. Fisk has sworn that the "pleasing irregularity" as he termed it, in the teeth of the adult skull was such as to attract attention of friends but likely to be unobserved by strangers. The learned Counsel for the defence, in his address to the Jury, complained that I had not brought Mrs. Jenkins upon the stand; earlier in the day he, with equal bitterness, charged me with bringing too many witnesses without her, and in my thirst for blood, striving with an uncalled for zeal to convict the prisoner at the bar. In the exercise of my judgment I saw no reason for bringing her from her home, as any testimony she could have given was unimportant. I have to state that I am bound by the office I hold to discharge my duty in this or any other case that may arise, without fear or favor, and without reference to what the learned Counsel may think or say respecting my conduct or motives.

The Attorney General then read the evidence of Holmes to show that Munroe had enough time to commit the murder and conceal the remains before Holmes saw the man walk up the Black River road. He read also the evidence of Mrs. Crear in full; commenting on this he said, I place great importance on that part referring to the leaden truss. What could be more convincing as to the identity of the remains than this one article? She described this with a minuteness which baffles—may banishes—all suspicion of her statement being a fabrication, and we have the testimony of others to show that her account was in many important particulars strictly correct. Who, having heard this part of the evidence, could presume to question the identification of that child's remains? And if the child's, the mother's also? Her assertion that the prisoner had advised her sister to sell her property, and go to Halifax with the witness, Mrs. Crear, I regard as strongly tending to show that the prisoner was anxious to have the unfortunate leave the place and the Province, less the scandal or the facts concerning her should interfere with his rapidly increasing business.

It has been urged that as Dr. Earle stated, the prisoner gave himself up; that he did not keep out of the way, but courted enquiry. If that fact stood alone he should get the full benefit of it; but take the other circumstances into account, he might have thought the remains were so decayed

as to be incapable of being identified, and that coupled with this his standing in the community was such that this was the best course for him to take. Looking on further into the evidence given by Dr. Earle, we find here again in the prisoner's confession to him the statements that cannot be reconciled with the facts. If he remained at the place where they got out of the coach and the woman walked on to Collins' she would have had to walk 1½ miles and he would have had to walk back to Bunker's in the half hour or forty minutes. Then again, his statement to the Coroner as to the time the woman went on board the steamer differs from the statement he made to Worden. I shall not weary you with going over all the testimony of the remaining Crown witnesses. The statements of those gentlemen connected with the steamer and of Mr. Torr, the Custom House Officer, as to the ringing of the bell, the examination of the luggage and the opening of the trunk were so clear, that they must be fresh upon your mind. But I must say a word or two about the witnesses called for the defence. I would not impugn those gentlemen who were called upon to testify to the general good conduct of the prisoner, particularly in reference to business matters; nor would I question the position taken that at one time in his life—like most men and villains, too—his character was not regarded as perhaps it is now looked upon. Evidence of character amounts to little against the positive evidence that a murder was committed; but I must call your special attention to the evidence of the boy Hicks who called Miss Vail's hair at one time *yellow*; and at another time *light*! He coolly swears he saw her on the wharf on the morning of the 2nd of November, and yet, when questioned as to his being in St. John at all at that time, he was unable to say whether he was or not. He confesses also that he was obliged to enquire of somebody what her name was, and with a strange precision he is informed that it is Sarah Margaret Vail! Now, as to the evidence of Howard, who is a stranger, I cannot divest myself of the conviction that he has told a marvellous story in this case. He swears that Munroe went on board the Boston boat close behind Miss Vail, some minutes before it left the wharf and that they went down the steps together. Here then, we have, by Munroe's statement made to Worden on the morning of Nov. 2nd, 1869, Miss Vail at the wharf three quarters of an hour before the departure of the steamer; by his confessions to the

Police and the Coroner, she arrived just in time to get on board and he had only time to hand her her checks and shake hands with her when the boat swung off; and now this witness is brought forward and testifies that she goes on board some minutes before eight o'clock. Gentlemen of the Jury, I ask you to scrutinize such testimony as this carefully. The learned Counsel himself has refrained, and perhaps wisely too, from urging you to rely upon this part of the defence, having chosen rather to trust to impassioned eloquence and pathetic appeals as more likely to produce an effect upon your minds. I feel, however, that you will not allow appeals of any kind to intervene between you and your solemn duty in this case—a duty which is simply to render a true verdict in accordance with the evidence under the law as given you by the learned Judge.

The finding (out in that place which has been minutely described) of that flattened leaden bullet; of the child's dress clearly identified; of the pinafore positively sworn to; of the little santon and the strings sewed on it; and of the other portions of a child's clothing, cannot leave a reasonable doubt upon the mind of any sane man that those were the clothes of Miss Vail's child. From these facts and a multitude of others equally convincing, it is plain that on the 31st of October, 1868, Munroe, the prisoner, went out to that place in company with Sarah Margaret Vail and her child; and there can be no reasonable doubt but that there he deliberately committed the terrible deed for which he is now being tried before you, whom I believe to be, gentlemen, notwithstanding the doubts I have heard expressed to the contrary, a fair and impartial Jury. I have been accused of acting in a blood-thirsty manner because I have brought so many witnesses forward in this case; and it has been more than hinted that I was taking credit to myself for having traced out this long and overwhelming chain of convincing testimony; but far from that being the case I have to say emphatically that to the Coroner, Dr. Earl, on whose full, clear and painstaking depositions I have mainly relied for guidance in this case, and not to myself, is due the credit of unravelling this dark mystery, and tracing with great patience the long thread of evidence, which now enfolds the prisoner at the bar.

In conclusion, I have only to say that I have done my duty, and that while I hold my present office I will earnestly endeavor to discharge the solemn duty I owe the people faithfully and conscientiously. If for anything I have done I

deserve censure, I call upon the Judge to apply such censure unsparingly. I believe I have done my duty. I now leave the prisoner in your care, with the earnest prayer that the great Ruler of the Universe will direct you aright in coming to a just and fair conclusion as to what the facts prove in this all-important case.

It was a few minutes past five o'clock when the Attorney-General resumed his seat, and his Honor the Judge asked the Jury if they would prefer to hear his charge, at once, or whether they would first take tea. Some of them spoke of being tired, and even not very well, adding that they would like an adjournment till morning in order to come to the final consideration of the case with their minds clear. They were anxious to get away, but they felt the importance of this case to be so great that they would prefer to have the court adjourned to next day. His Honor therefore ordered that the Court be adjourned to meet at half-past nine next morning. The throng of Barristers and others was so great that some minutes elapsed after adjournment, before the Jury could leave the box or the prisoner be remanded.

FRIDAY, Dec. Dec. 17

The Court was opened, pursuant to adjournment, at 9 30 a. m. The Court House at that early hour was crowded to excess. The learned Judge almost immediately commenced his

CHARGE.

The learned Judge said the prisoner, John A. Munroe, stands charged with the murder of Sarah Margaret Vail. The indictment is drawn up in the usual form. After explaining what murder is and what express and what implied malice, he said before proceeding further he had a few observations to make respecting his own conduct in this case. It was said that he was not justified in adjourning the Court, but he believed that he was. The law requires the Sheriff to summon twenty-one Jurors for each court. This was done, and of the twenty-one only fourteen attended. The law also authorizes the presiding Judge to order an additional number of jurors to be summoned for the trial of criminal cases, if he shall think it necessary. In capital cases the prisoner is allowed to challenge twelve jurors peremptorily, and in his view of the law, he believed that he was fully justified in adjourn-



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ing the Court and ordering the new jury to be summoned. If he was wrong in this, Mr. Thomson, if it should become necessary, would have his remedy. He could not see that the prisoner could be in any way prejudiced by having forty-eight of the best men in the County summoned from whom the Jury would be selected, or by the postponement of his trial for a week. However, whether he was prejudiced or not, if the summoning of the new jury was illegal the prisoner would have his remedy. The Attorney General had appealed to him to express his view of his conduct in conducting the prosecution. He could not see that the Attorney General had overstepped the line of his duty. He, as the prosecuting officer in all criminal offences of the higher degree, was bound to summon all the witnesses who could throw any light on this mysterious case; and the more serious the offence, the greater was the obligation on him to see that the case was fully and thoroughly investigated. A good deal had been said about circumstantial evidence, and reference had been made to what he had said in his charge to the Grand Jury. He saw no reason to change the opinion he then expressed. Many cases must turn upon circumstantial evidence. If direct evidence were always required, then in nine cases out of ten criminals would escape. No one would say that as a general rule circumstantial evidence is better than direct; but there are many cases in which it may be better. A few persons may combine to procure the conviction of another, and give direct evidence, which may agree in all respect; and the falsity of which it might be very difficult to detect; but where there is a large number of witnesses, each of whom may testify to one or more separate and distinct facts, such combination is exceedingly difficult, if not impossible.

Direct evidence is where some person sees the act done. Circumstantial evidence is where no one sees the act done, but a number of facts are proved to the satisfaction of the jury from which a certain conclusion is inevitable. Take for illustration the very facts of this case—a body is found covered with moss and bushes. Could any one suppose that the person whose body was so found had wandered to that place and perished, and that the body was not covered up by the hand of a murderer? No one saw the act done, but would any jury doubt that in such a case a murder had been committed? Take another case. A body is found, killed by a gun shot wound, and a pistol beside the body. It might be said

that in such a case there was strong probability that the person had committed suicide; but if, on examination of the body, it was found that the ball which caused the death was too large for the pistol, the presumption of suicide would cease, and the conclusion would be that the death was caused by another person. Another not uncommon case is where death was caused by a gun shot wound, and the wadding of the gun was found, and in the possession of the person charged with the murder was found another portion of the same paper—either printed or written—corresponding exactly with the piece of wadding found, and it was proved that the person charged had previously had the whole of that paper in his possession. Although no one saw the shot fired, it could not reasonably be doubted by whom it was done. It would be an inference to be drawn from the facts proved and therefore a case of circumstantial evidence. The case cited by Mr. Thomson where the uncle was convicted of the murder of his niece, who was still living, though a case depending on circumstantial evidence, was more frequently referred to as a warning against convicting for murder unless there was clear proof of the *corpus delicti*, as it was termed—that is, of the death of the person said to be murdered. In that case there was no evidence that the child was killed, the only proof being that she was heard to say, "Oh, uncle, don't kill me," and that she was not seen afterwards. The conviction there no doubt was improper, because the niece was living at the time, and afterwards returned. A case involving that principal had lately been tried before him in the County of Carleton. Four persons were indicted for the murder of a man who had lived with one of them and disappeared. Suspicion fell upon the parties, and indeed two of them had been heard to say that they had killed the man, but they were acquitted, because there was no proof of the *corpus delicti*, and for aught that appeared the man may be living at this day. Though there was no doubt that a conviction might take place on circumstantial evidence, a Jury should be more cautious in such cases than when there was direct evidence; and it was only where the facts proved, and the inferences to be drawn from such facts, left no reasonable doubt in their minds that the prisoner was the person who committed the crime, that they would be justified in convicting. Crime always seeks concealment. A person going to commit crime always chooses a time and place, when no eye can see him; if,



therefore, it was necessary in all cases to have direct and positive testimony in such cases out of ten criminals would escape.

He would now turn their attention to the facts of the case. The burden of proof rested upon the Crown. The prisoner was presumed to be innocent until he was found guilty. The Attorney General must show that the murder was committed by the prisoner. It was not enough to show that this was probable—they must be satisfied of it beyond a reasonable doubt.

There were three questions for their determination in this case. 1st. Were the remains found those of Sarah Margaret Vall? 2nd. If they were, was she murdered? 3rd. Was she murdered by the prisoner? The first question also involved the inquiry whether the person called Mrs. Clarke was in reality Sarah Margaret Vall? To ascertain this, let them go back to the first knowledge they had of this woman, when she arrived at Mrs. Lordly's on the 23d-24th of Oct. 1868. On the following day her trunk and bag came there. Mrs. Lordly saw the trunk opened and the smaller one inside of it, and she also saw several articles of clothing in the smaller trunk, particularly a blue dress. The woman remained at Mrs. Lordly's until Monday, the 26th, when the prisoner called and took her away. The trunk and bag were taken from Lordly's to Lake's Hotel on Monday evening by the coachman, Worden. Mrs. Lake saw the trunks opened, and identified several of the articles of dress. On Monday, 2nd Nov., the trunks and bag were taken from Lake's to the American steamboat by direction of the prisoner and checked for Boston; they went to Boston, and, not being called for, remained in the warehouse there till the 29th Sept. last, when they were sent here on application of the authorities, and delivered to Capt. Chisholm, the agent of the Steamboat Company, and are produced in Court with the check of the steamboat "New England" attached to them. The trunk having been opened in the warehouse in Boston was proved to contain the same articles as were in it now. Mrs. Lordly had identified the trunk by a mark which she said Mr. John J. Munroe, the prisoner's father, made upon it at her house. He might here remark upon the contradiction between Mrs. Lordly and Mr. John J. Munroe. She stated in her evidence before the Coroner that Mr. John J. Munroe called at her house on the Monday, that she took him down to the office and showed him the trunk, that he said it looked like one from

his factory, and taking out his knife cut a piece off and showed it, and then said there was no doubt it was one of his. The Jury saw the trunk and could tell whether it had the mark spoken of. It did not appear whether Mrs. Lordly had seen the trunk after it was returned from Boston, before she gave her evidence at the inquest. If she had not, and the trunk bore such a mark as she had described, it was a strong fact to corroborate her evidence. Mr. Munroe says that he never saw a trunk at Mrs. Lordly's, and that he went there on Tuesday, and not on Monday. It was not his (the Judge's) duty, when evidence thus conflicted, to determine which was reliable—that was the duty of the jury. He might say however, that in his experience, although evidence may be contradictory, one statement must not necessarily be wilfully untrue. Persons desirous of telling the truth will often differ, because human memory and eyes and ears are fallible. They should make allowance also for the excitement under which the parties might be laboring at the time. Certainly Mrs. Lordly did seem to have been excited and aggravated, and Mr. Munroe was no doubt excited when he got her note. Whether Mr. Munroe was mistaken or Mrs. Lordly was mistaken, and this whole story was the coinage of her imagination, was a question for their determination, it certainly was strong corroborative evidence, if she made the statement before she saw the trunk. If they gave credence to Mr. Munroe, it was for them to determine whether any part of Mrs. Lordly's testimony is entitled to credit. When a witness wilfully swears to what is false in one point, it throws a doubt upon the whole testimony, but if he only makes a mistake in a part of his evidence, that would not necessarily be a reason for discrediting the whole of it. The evidence of Mr. Knowles as to the slats and the make of the trunk, appeared to corroborate the evidence of Munroe. It was for them to take all these matters into consideration, and determine whether they discredited the evidence of Mrs. Lordly in whole or in part. There was no doubt that the trunks were at Mrs. Lordly's, because Worden got them there by direction of the prisoner, and took them to Lake's. Then we trace them to Lake's. There they were opened and Mrs. Lake saw the small trunk inside, and the parasol. The next piece of evidence bearing on this is that Worden was told by the prisoner to take the trunk and bag to the boat on Monday morning.

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They were sent down by another; they were checked by somebody; went to Boston and remained there in the warehouse until September 29th, when they were sent on here. They were opened in Boston, and parties who there saw the contents, prove that they are the same that was sent to Captain Chisholm who received them on October 1st, and took an inventory of the contents. The learned Judge then read the evidence of Captain Chisholm and the inventory, and proceeded. Now then, they had traced this trunk which came to Mrs. Lordly's, from that to Mr. Lake's, from that to Boston, thence back to St. John, and here they now had it. They should mark what some of the contents were. Captain Chisholm produced a blue cobourg dress which Mrs. Lordley says she saw Mrs. Clarke take out of her trunk, and she pointed out the spots on it by which she recognized it. Mrs. Lordly said also that Mrs. Clarke had an embroidered petticoat, and that some of the fragments produced were like it. He then read the rest of Mrs. Lordly's evidence—what she said of the prisoner's coming on the Monday, her description of the hair, sash, ribbon, the sacque, the child's hair, which she called tow hair, and of the child's dress. His Honor dwelt upon this. Mrs. Lordly said that the dress found out near the Black River road resembled the dress the child wore, but she could not remember the ruffles about the bottom. Mrs. Crear told them that her sister tore up one of her own dresses to make two dresses for her child, that one of these had ruffles and the other what she called a pignose trimming. Mary Black or Mrs. Lake swore that the child wore the dress with the ruffles the Saturday morning she left Lake's, that she had the other dress on when they came to the house first, but the mother changed it a few days after, and that the dress found is the dress the child wore on the Saturday. Neither dress was found in the trunk which came from Boston. This reconciled the evidence of Mrs. Lordly with that of the other witnesses, and corroborated it to that point. A tier was also produced. Something was said of the difficulty of speaking to such articles, but it does seem that females remark more closely than men the materials of dresses, the style in which they are made up, and the character of the work. There may be difficulty, but when there are so many witnesses swearing, sometimes positively, at others to the best of their opinion, to such a number of articles, this is a strong fact

to establish the identification of these witnesses. The tier from the trunk was perfect. Another found outside Mrs. Lake swore had been also pink, although part of it was now faded almost white. Mary Black or Mrs. Lake swore the child wore a pink tire when she left Lake's house. Mrs. Lordly was positive as to the tier and the dress and sacque of the child. It was for the Jury to say the marks on the blue dress were such as would enable her to identify it. Mrs. Lake also positively identified that as the blue dress Mrs. Clarke had at her house. The trunks came to her house. She saw them open and the smaller one inside, just as they were when produced in Court by Capt. Chisholm. In that was the cobourg dress which she swore was the same she had seen at her house, or one just like it. Then they had the evidence of Mrs. Crear, who swore positively as to the blue dress, and said Munroe gave her sister the money to buy it, and she herself bought it. Mrs. Dykeman made it. Mrs. Dykeman proved she made a blue dress for Miss Vail, but did not recognize this. She made a sacque also for her of blue grey whitney cloth. She would not swear to the fragments. But said they were of blue grey whitney cloth, as was the sacque, and had braid on as that had. They had then the evidence of Mrs. Lordly, Mrs. Crear and Mrs. Lake, as to the blue dress, and in the trunk brought from Boston they had a blue dress which they recognized as the same. Another article from the trunk was the child's white hat, which was recognized only by Jane McLaren, the girl who lived with Miss Vail after the child was born. She said it was the hat the baby wore when Miss Vail went away. With regard to the embroidered skirt and drawers produced from the trunks, Mrs. Olive swore that the skirt belonged to her sister, Sarah Margaret Vail, and that she drew the pattern from the embroidery of her own skirt. Another was shown her, and she said she had drawn the pattern for this also, and when a fragment of the embroidery found at the place was shown her she swore that this belonged to her sister, and she had drawn the pattern for this also. Mrs. Crear on this point said that the embroidery on one of the articles was wheel work; that her sister worked it at her house, and she got the materials for her. She also described how the work was done, and why the number of holes was less than on the pattern. Another piece of her drawers was shown her, and this also she positively identified, and described how the work was done.

When the skirt found in the trunk was shown her she swore that she had often seen her sister do it up; that she wore it on one occasion herself, and that the prisoner often had the embroidery in his hands when her sister was working it. She swore also that she never saw a pattern like that of this petticoat. The photographs found in the trunk she also recognized, and the paper box containing the hair of her father. Then there was the evidence by which they were to determine whether those articles were the property of Miss Vail, and whether the woman called Mrs. Clarke was not Sarah Margaret Vail. This was one of the questions they must determine. Suppose no statement had been made by the prisoner was there enough to satisfy them that the woman was Sarah Margaret Vail? They had however, the statement of the prisoner on this point. A good deal had been said as to the manner in which this had been obtained. If it had been shown that any threats were used, or inducements held out, in order to cause the prisoner to make those statements it should certainly have excluded them, but by the evidence of the police officers it had been shown that Munroe was first cautioned by the Police Magistrate and afterwards by Mr. Jones, and they stated positively that no inducement was held out to him. The evidence therefore was admissible. There was, it was true, a contradiction between the Chief of Police Marshall and Mr. J. J. Munroe and Mr. Potts. It was for the Jury to determine which had given a correct account of what had taken place, and in doing so to make due allowance for the excitement of the parties and judge whether Marshall could have forgotten everything that was said. If they cannot reconcile the statements then they must determine which to accept and also whether Marshall wilfully misstated what had occurred, and therefore was or was not wholly unworthy of credence. This much he must say that if Marshall made such a statement to Potts as Potts alleged, then his conduct was not only indiscreet but most improper. What right has a police officer to hold confidential communications with a prisoner in custody? It was utterly preposterous to say that this could be permitted. He said not say that Mr. Marshall made such a statement to Potts, but if he did it was most improper. They had to consider whether there could have been a confidential communication to Marshall when Jones was present. The material question at present was not whether Mar-

shall did make such a statement to Potts, but whether the prisoner made the statement to Marshall which he gave in evidence. This did not depend on Marshall alone, but they had also the evidence of Mr. Jones and Dr. Earle. If they had reported correctly, the prisoner said, not that this was Sarah Margaret Vail, but that she was Miss Vail, or as one of the witnesses put it, the Vail girl from Carleton. Jones stated that he said her name was Vail, and did not mention her Christian name. Marshall said that he said the woman's name was not Clarke but Vail, that he was acquainted with her for some years, that she lived in Carleton, that she had a child, that she had some property and sold it. Dr. Earle stated that the prisoner said, "It is not Mrs. Clarke at all, it is the Vail girl from Carleton and her child with whom he had so much trouble." They had no evidence of any other Miss Vail who had a child and property, and with whom the prisoner was intimate. They had besides these statements the facts respecting the dresses, photographs, and other articles found in the trunk and on the ground. It was for them to determine whether the girl who went out there with the prisoner on that Saturday, and who was murdered, was or was not Sarah Margaret Vail. The prisoner cannot be tried for the murder of one and found guilty of the murder of another. If they were not satisfied that this was Sarah Margaret Vail, then he is entitled to an acquittal. If they were satisfied that the woman called Mrs. Clarke was Miss Vail, then it was for them to determine whether the remains were those of Sarah Margaret Vail. If they were not satisfied on that point he was entitled to an acquittal. This is the proof of the *Culpus delicti*. What evidence was there on this part. It must be made out by circumstantial evidence. There was no positive proof, but a number of circumstances. They had traced her to Lake's Hotel. This she left on that Saturday with the prisoner. How was she dressed, what was there peculiar in her dress, in that of the child, to enable any one to identify remains. She wore a black dress, black Garibaldi, and black hat. Miss Campbell stated that she dyed a white straw hat black, trimmed it with black illusion, black gauze ribbon, and crape flowers, and that Mrs. Crear took this hat away. Mrs. Ells saw Miss Vail in April, and she then wore a black straw hat. Jane McLaren saw her wear a black dress and black straw hat. Mrs. Lordly said she wore a black dress and black hat. Mrs.

Lake said that she wore a black hat of some kind, trimmed with black. Mary Black, that she wore a thin black cobourg dress and embroidered petticoat and black hat trimmed, she did not know how. Mrs. Crear, when the remains of the straw and trimmings were shown to her, stated that it was the same kind of straw, the same kind of illusion and gauze ribbon, and that she had herself purchased the remainder of the black crape flowers. Miss Campbell then had, and she produced those flowers, to show that they were the same as these found, only that hers were fresher and brighter. If her evidence is reliable this is certainly a strong fact. Very true, there is nothing uncommon in these things. Many women wear black straw hats with some such trimming; but it is the accumulation of all these facts and circumstances, the correspondence between all those remnants and the articles worn by Miss Vail that they must rely upon in order to determine whether these were the remains of Sarah Margaret Vail. Then they found by the evidence that she had a blue grey witney cloth sacque, bound with braid. Mrs. Dykeman made her such a sacque some two or three years ago, but would not say whether the piece shown was part of it; but the piece was blue grey witney, and bound with black skirt braid, as was the sacque she made. Mrs. Crear said she had a dark grey witney cloth sacque, that she bought the cloth at Manson's and the braid, and that one piece shown her was the back of that sacque, and another part of the sleeve. Mrs. Lordly said she had a kind of drab sacque, and that the piece shown her looked like part of the sleeve. Mrs. Olive also identified the pieces. When witnesses swear positively to some portions of what were found and say they don't remember others, this seems to show that they say what they believe to be true. If they came to swear falsely, it was just as easy to swear to all as to a part. Mary Black said Mrs. Clarke wore a grey sacque the morning she went away, and that the piece produced was a piece of that sacque. Here was the testimony of independent witnesses, who seemed to have no motive to swear what is untrue, and it ought to have much weight. Taking all these circumstances together with regard to the sacque, that she had a blue grey witney sacque, that she wore it the morning she left Mr. Lake's, and that part of such a sacque of the same color was found out there, all this must have weight in enabling them to arrive at a conclusion. Mrs. Lake and Mary Black spoke of other articles. In the trunk from Boston there

was a white undershirt with embroidery which was partly soiled. Mrs. Lake says she wore such a petticoat when she came to her house, took it off a few days after, when she bought another, and put it in the trunk. The skirt she bought was a grey, trimmed with red at the bottom. The dress now taken from the trunk she says has the same appearance. Mrs. Lake says she saw no night dress with her, and none was found in the trunk. She recognised the skirt in the trunk, also the child's dress with the ruffles, which was the one she wore when she left her house. She said that when the child came to her house she wore another dress of the same material; that this was afterwards taken off, and the dress with the ruffles put on and worn until she left the house. The learned Judge read Mrs. Lordly's evidence on this point again. (Mrs. Lordly saw the child wear a brown cobourg. She thought she recognized the material in the dress found on the ground, but she could not remember the ruffles.) Mrs. Lake stated that Mrs. Clarke bought blue grey stockings with white tops, and put them on during the week. Mr. March, some time after the remains were discovered, found the top of a woman's stocking, which Mrs. Lake said was of the same material. Mrs. Clarke also bought a hood for her child and a santonag for herself while at Mrs. Lake's. She had a santonag for her child when she came there, and while there she sewed strings on this. On the child's santonag, when found, were strings, and the Jury could judge whether these were on originally or were sewn on afterwards. Mary Black swore that Mrs. Clarke wore a santonag the day she went away. All this evidence with regard to the black hat, the black garibaldi, the grey sacque, the blue grey stockings, the undershirt with its trimming, must assist them in determining whether these were the remains of Sarah Margaret Vail. Then as to the clothing of the child, Mary Black said she wore a dark drab dress, with ruffles at the bottom and sleeves, and said the dress found was the same. Mrs. Lake said the child had a dress of dark cobourg and a pink pinafore, that the dress found was the same; that she had remarked the work on it, and would have known it if she had seen it on another child three months after. There was some little contradiction about the evidence of Mary Black. She said that a man called on Mrs. Clarke on Friday. The certificate which had been put in showed that the prisoner was in Fredericton on Friday. It was clear that the prisoner could not have been the person who called. They should give what weight they thought proper to any discrepancies in the evi-



vidence. There was another piece of evidence which to his mind was one of the strongest that could be conceived. It was his duty to express his opinion when any piece of evidence seemed to him particularly strong, but he must tell them that they were not at all bound by his opinion or his inferences; they must weigh the evidence, and draw their own inferences from it. He thought this a most important piece of evidence—the bandage which was found on the ground containing the leaden truss. Dr. Peters stated that the child of Miss Vail had umbilical hernia, or rupture of the naval. Mrs. Crear stated that, acting on the advice of a nurse, she got a bullet which was cast for a King George musket, beat it out flat with an axe, punched holes in it, rasped those smooth, then sewed the truss in a piece of unbleached cotton, and that the child wore this truss until she left her sister's in August. Jane McLaren, who afterwards took care of the child, stated she wore a bandage with something hard and round in it, about as large as the top of the ink bottle. Mary Black swears that the child wore a bandage on it at Mrs. Lake's, and Calvin Powers stated that he found the bandage produced out on the ground on September 15th. There was this difference: that the bandage found is of flannel, with pieces of cotton adhering to it. This Mrs. Crear sought to explain. This evidence seemed to him exceedingly strong to identify the remains of Sarah Margaret Vail and her child. There was only another fact that was relied upon, that Mary Black gave Mrs. Clarke some beads. They were not strung; those found on the ground were strung, and were of a common description. This he did not think very important evidence, but it was one of the circumstances, and it was for them to decide whether much weight should be given to it. He believed he had now remarked on all the circumstances that would serve for the identification of the remains. The next question was how did she come to her death. If she had gone into those bushes and perished she would not have been covered up. There was in addition the fact that there was a bullet hole in the skull; that the prisoner had bought a pistol carrying a cartridge known as No. 22. The evidence of the medical men showed that such a hole as this in the skull would be produced by such a bullet, and that the bullet entering there would produce instant death. Dr. Christie (whose evidence he read at length) found in the brain matter a small piece of the inner table of the skull, and on this and on the ragged edges of the hole in the skull were particles of lead. It

had been said that there are no means of concluding whether the remains were those of a male or female. The medical men certainly did say that this could not be told from the skull or the bones that were found, those of the pelvis having been almost destroyed, but the clothing was that of a female, not of a man; the hair was that of a female. There was some evidence as to the identity of the hair, especially that of the sisters. It was for the Jury to say whether there was anything about it so peculiar as to enable them to identify it; whether they, being under the impression that their sister was murdered, were not through that induced to swear so positively, no doubt believing what they said to be true. It is pretty hair, but he thought many women had similar hair. Another piece of evidence may be more reliable—that with regard to the teeth. They heard what the doctors said. Dr. Fiske said the irregularity in the front teeth was a pleasing irregularity which would be remembered by friends and probably not observed by strangers. The teeth are handsome, and one of the front teeth laps over. One of the teeth also has been extracted, as described by Mrs. Crear, and one is defective, as she stated. It is for you to say whether these things, and not these only, but all the circumstances and facts, are such as to enable you to arrive at a conclusion. This is a matter for your most serious consideration. Dr. Bayard's evidence confirmed the evidence of Dr. Christie as to the probability of such a bullet passing through the skull. The evidence as to the child's tooth appeared to amount to this, that it was imperfectly formed and not cut. It did not seem very important to him. From the evidence of Dr. Christie it was shown that the skull was perforated by a leaden bullet, causing death, and that the hole was such as would be produced by a cartridge No. 22. It was for them to conclude from all the evidence whether Sarah Margaret Vail came to her death by violence. They should also take into consideration the evidence of Mr. Douglas, Dr. Earle, Calvin Powers, Sarah Jane Collins, the colored people, and others, that the remains were covered with moss and branches. This was the principal evidence to enable them to determine whether the woman had come to her death by a pistol ball, whether she had gone into that place and perished, or came to her death by violence. This was another question which must be settled by circumstantial evidence. No one saw her shot, but they had the facts that the skull was perforated by a bullet, and that the remains were covered with moss.

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If, they were satisfied on that point, then the next question for their consideration was, "By whom was the murder committed?" They now come to the most important part of the enquiry, Who do they find was the last person in whose company Sarah Margaret Vail was seen? Certainly the prisoner! The evidence of Worden shows this. The learned Judge then read this evidence in full. A survey of the ground was made by Mr. Whitson. The distance from Bunker's House to the middle of the road is 1 chain 47 links, from that to the Forks 23 chains 20 links, from the Forks to the place where Worden turned, near what is called the pool, 36 chains 5 links, from the pool to the path 3 chains 40 links. Total from Bunker's house to the path leading into the place, 64 chains and 63 links, a little over three quarters of a mile. From the pool to Collins' 16 67 chains and 58 links. Total distance from Bunker's to Collins', 182 chains and 26 links, or nearly 1 3/4 mile. The Judge read the evidence of George Bunker, John Collins, and the other persons living on both roads, and continued: The evidence proves that the prisoner went out with her in a coach on Saturday, October 31st; that he was the last person seen with her; that he told Worden on the first day he went out that she was going to Collins', and afterwards that the persons she wanted to see were not at home; that on the second day he returned without the woman, and told Worden the people she wanted were at home, and that Mr. Collins would bring her in on Monday morning in time for the boat. Mr. Collins knew no such persons as Mrs. Clarke or Miss Vail, and neither he nor any one else living on either road ever knew of such a person being out there or had brought her into the city. The evidence of the two police officers and Dr. Earle on this point was that the prisoner stated that they got out on the two occasions nearly at the same place, and that she walked towards Collins' while he remained behind, and that on the second occasion she came back and told him the people she wanted to see were at home, and that she was to remain with them until Monday morning. Mr. Thomson argued that if they took part of the prisoner's statement they must take the whole. That is not so. It is true that if the Crown give part of a statement it must give the whole in evidence, but the Jury were not bound to believe the whole but may believe part and reject part. A man who knows that certain facts can be proved may admit those facts and add several false statements to them for the purpose of relieving himself from suspi-

cion. In coming to a conclusion as to whether they should accept his statement that Miss Vail went away in the boat on Monday they should look at the rest of the evidence. Where was she on that Saturday night and Sunday? Who brought her into St. John? Was not Collins's the place named as that to which she was going? Was any other place named? Did Collins bring her in? Who brought her in? These were serious questions. Again let them ask themselves whether there was anything in Munroe's manner. According to his own statement he remained where he got out of the carriage, and according to the evidence of Worden and Bunker he was away about three quarters of an hour. They can not speak positively as to the time, but see what was done. Worden drove back, put up his horses, then ordered dinner, and dinner was nearly ready when Munroe came to the house. They could form their own opinion as to the time spent in getting a plain dinner in a country house. Munroe, when he arrived, was sweating, and said he had a heavy walk. If he had only come from the forks of the road, was that a heavy walk? Was there anything extraordinary in their getting out on both occasions at the same place? Why did not the coach go on to Collins' with the woman if he could not do his story on this point was not consistent. He told Dr. Earle that he saw her pass Collins'. When a man tells a plain, honest, consistent story, it should tell in his favor; but if it was inconsistent and untrue in part, then this was a strong circumstance against him. If she was not brought in, what became of her? On the other hand, was the testimony of Hicks, which was so extraordinary and contradictory, that he would read the whole of it to them. He endeavoured to show that on Monday morning he saw Miss Vail go on board the steamer. In judging whether they would believe a witness, they must judge not merely by his language but also by his demeanour. He would leave it to them to say whether they could give credence to the testimony of one who acted as he had, and so often said that he could not swear positively to anything, contradicted as it was by the evidence of Collins and so many others. The evidence of Howard was also contradictory of all the evidence which showed she was carried out and not brought in by Collins or any one else in the settlement. There seemed to be nothing to fix this Monday on his attention. He could not recollect the month. He had no connection with those parties, and

it was not clear that he might not have been mistaken as to the day, and have seen her on the day she went to the States with the prisoner. [Mr. Thomson, interrupting the Judge, said the evidence of the witness and of Mr. Hunt left no room for such a supposition.] There was another point. Howard swore that he saw the woman go slowly down the wharf, Munroe follow her, and then Munroe and the woman stand on the deck and go down stairs together in the boat. This was inconsistent with Munroe's own statement that he had just time to give her the checks and shake hands with her when the boat went off. [Mr. Thomson asked the Judge to read the evidence of Edward Price, which he said, must prevent any jury from convicting the prisoner. The Judge read the evidence, and said:] Some of the descriptions given by this witness correspond with the descriptions of the dress of Miss Vail and her child, and he thinks she gave the name Clarke, but he says that his return home was delayed by a snow storm, and that this was not the first snow of the year, not that which fell in October, but that which lay on the ground all winter. He was sure he was not from home on Sunday. It may be the day after that he left home, but he thought it was on Tuesday, and it was about four in the afternoon when he arrived in St. John. They must come to the conclusion if this was Sarah Margaret Vail either that she remained over until the Monday after or that she never went away in the steamboat at all, and this is entirely inconsistent with the statements of the prisoner. All the evidence for the Defence was inconsistent with the statements of the prisoner. He had now placed before them all the evidence in this case which was most painful to all concerned. The Attorney General was bound to make out to their satisfaction that the remains were those of Sarah Margaret Vail, and that she was murdered by the prisoner. It was not enough that there was a probability or even a strong suspicion of his guilt; they must be satisfied beyond a reasonable doubt. He then read the statement of the eminent Judge, Chief Justice Shaw, of Massachusetts, in the well known trial of Professor Webster, and of Chief Baron Pollock of the English Court of Exchequer, in the case of Reg. vs. Manning, to show that a reasonable doubt is not a mere possible doubt, for, to a possible doubt everything is open, but such a doubt as would affect their conduct in the management of any important private business. It was not a mere imaginary doubt, because in human affairs

there is scarcely anything free from doubt, but such a doubt as in matters of serious importance to themselves would cause them to hesitate. If, on reviewing the evidence, they entertained any such reasonable doubt the prisoner was entitled to the benefit of it, but if the evidence led them to the conclusion that the prisoner was guilty then it was their duty to find a verdict accordingly. He told them, as he proceeded, where the evidence conflicted, and also what inferences he drew from the evidence. He told them now again that it was their duty to weigh the evidence and draw from it such inferences and conclusions as it seemed to them to justify. They may draw very different inferences from his. They were not bound to adopt his views, but must judge for themselves. If they found that the facts established that the body was that of Sarah Margaret Vail, and that she was murdered by somebody, and if all the facts and circumstances had led their minds to the conclusion that she was murdered by the prisoner and no other person, then, however painful it may be, it was their duty to find him guilty. On the other hand, they should not find such a verdict upon mere probabilities or suspicions. He had now discharged his duty under his oath, according to the best of his ability; he would now leave it to them to discharge their's in accordance with their oaths.

The charge and the reading of the immense mass of evidence occupied from 9.30 a. m., to 2 p. m.

After the Jury had retired, the crowd continued in and about the Court, anxiously waiting for the verdict, and in all the principal business points of the city might be seen little knots of people solemnly discussing the whole trial, and conjecturing when the Jury would return to court. About three o'clock the word quickly circulated that the jury had agreed, and the crowd became, if possible, larger at the Court House, and every face wore a painful, solemn look. At a quarter past three the Attorney General and the counsel of the prisoner came into court, and the Judge ordered the prisoner to the bar. He entered, looking pale and haggard, and very anxious, and taking his seat in the dock, gazed mechanically about, with that restless yet steady stare, which has become familiar during this trial. The Jury entered about the same time, and their names having been called, they stood sensibly affected, and as men who had been called upon to

At two persons he Court House doors. The was crowd the landing human he were unab inside. Court House

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perform a dreadful duty, and were de-  
termined not to shrink from it.

The prisoner being seated, the Clerk of  
the Court said:

"Gentlemen of the Jury—Have you  
agreed upon your verdict, and who shall  
speak for you?"

Mr. David McLellan immediately step-  
ped forward a little distance, and in a  
low voice said distinctly:

"We have."

The Clerk continued:

"Gentlemen—How do you find the  
prisoner, guilty or not guilty in manner  
and form as he stands charged in the  
indictment."

The stillness now was perfectly painful  
as the foreman responded:

"**GUILTY**, with a strong recommenda-  
tion to mercy."

At these words every eye fell upon the  
prisoner, and he, seemingly stunned, for  
a moment, did not appear fully to com-  
prehend the import, and when the truth  
broke fully upon his mind, his head  
seemed to sink spasmodically between  
his shoulders, and burying his face in  
his hands, and prostrating himself upon  
the seat of the dock, his whole frame  
shook with convulsive agony, which  
lasted for several minutes. Not a word  
—not a sound—not a movement, was seen  
or heard, elsewhere than in that fatal dock,  
and tears rolled down many cheeks as  
they saw the man who had carried him-  
self so defiantly through the many scenes  
of this terrible tragedy at last subdued  
by the majesty of the law, and ap-  
palled at the prospect of death.

Gently touching him on the elbow,  
the constable took charge of the doomed  
man, who arose with evident difficulty,  
and throwing his overcoat over his arm,  
instead of arranging it carefully on him-  
self as he had daily done during the trial, he  
leaned upon the constable's arm and  
went to his cell a convicted felon.

## THE SENTENCE.

TUESDAY, Dec. 21, 1890.

At two o'clock, probably fifteen hundred  
persons had assembled in the vicinity of the  
Court House, awaiting the opening of the  
doors. The main entrance from the street  
was crowded—the hall, the stairway and  
the landing, being literally packed with  
human beings, and many on the streets  
were unable to gain even standing room  
inside. The side entrance, between the  
Court House and the Engine House, was

also besieged at an early hour by a crowd  
more respectably dressed but quite as  
demonstrative as the other. It was at this  
entrance that the Judges, Barristers, Edi-  
tors and other dignitaries were expected to  
be admitted, but in the case of some of  
these it was soon seen that they were  
not to enjoy any privileges not ex-  
tended to other enlightened citizens.

This door remained closed until at least  
fifteen minutes past two o'clock, and  
during that time way was made through  
the surging crowd for Judge Allen, but  
for no one else, except two constables.  
The Attorney General, the Clerk of the  
Court, Mr. Thomson, and other legal  
gentlemen, had to go round by the Gaol,  
and enter through it, and neither the  
office, age, nor authority of others availed  
anything. At last, however, the door  
was opened and the crowd rushed up the  
stairs pell-mell, the solemnity of the act  
about to be witnessed having for the time  
given place to the overshadowing de-  
mands of morbid curiosity. When the  
crowd by this entrance had packed the  
space allotted to it, the Judge was found  
to have taken his seat, but the dock was  
still empty. A minute or two later and  
the doors of the main entrance were open-  
ed, and a disorderly crowd, composed  
largely of boys, entered with noisy ex-  
clamations and in their haste broke  
down the wings of the balize door. In  
another part of the room, at one time, the  
confusion was such that the Judge was  
obliged to direct the constables' at-  
tention to it and the Sheriff had to  
threaten the arrest of offenders near the  
main entrance.

Immediately after two o'clock, the At-  
torney General asked of the Judge that  
John A. Munroe might be brought into  
Court, and His Honor gave order accord-  
ingly. There was a pause of some min-  
utes, and it was during this time that the  
doors were opened. The prisoner came  
in, looking very much broken down,  
wearing his overcoat and carrying his  
hat in his hand. On taking his seat in  
the dock, he placed his hat beside him  
on the seat and rested his arm on the rail  
in front of him and his chin on his hand,  
all the while looking steadily in one di-  
rection, and that apparently of the floor.  
His countenance wore the expression of  
one from whom all hope had fled.

At twenty minutes past two o'clock the  
Attorney General rose and addressing  
the Court said:

"May it please your Honor.—The  
prisoner, John A. Munroe, having re-  
ceived a patient and impartial trial for  
the wilful murder of Sarah Margaret  
Vail, and having been found guilty by a  
jury of his country of this crime, it be-



comes my painful duty to move that the last judgment of the law be passed upon him."

The Clerk, George Black, Esq., then addressed the prisoner as follows:

"John A. Munroe, you have been indicted for the wilful murder of Sarah Margaret Vail, whereupon you pleaded 'Not Guilty,' and on that indictment you have been found 'Guilty' by a jury of your country; what have you now to say why sentence should not be passed upon you?"

The prisoner having made no reply, the Clerk then made proclamation commanding all persons to keep silence while sentence of death was being pronounced. His Honor Judge Allen, with grave and becoming mien, rose and said:

"John A. Munroe, you have been indicted by the Grand Jury of the City and County of St. John for the murder of Sarah Margaret Vail, and you have received a fair and impartial trial. You have been defended by one of the ablest Counsels in this Province, and you have been found guilty by a jury of your country. In this verdict I fully concur, and I cannot see how any reasonable person can, from the evidence adduced, think otherwise than that you are guilty. The jury have, from the kindness of their hearts, I presume,

and through regard for the feelings of your family, recommended you to mercy. While I shall take care to forward this recommendation to His Excellency the Governor General, I cannot hold out the slightest hope that the prerogative of mercy will be exercised in your case. You should use all the time you have to spare in this world in seeking forgiveness from Almighty God for your many sins; as you cannot hope for mercy from man. I shall not refer to anything that might wound your feelings, but all I shall say is that the unfortunate woman who placed reliance in you was hurried before her Maker without that preparation which, so far as we can judge, she sorely needed. You will have further time to prepare for death and for obtaining that forgiveness you so much need; and you should lose no time in seeking mercy from on High. It only remains that I should pass sentence upon you—not my sentence, but that which the law directs. The sentence of the Court is, that you be taken hence to the place from whence you came, and that on Tuesday, the 15th day of February next, you be taken from thence to the place of execution, and there be hanged by the neck until you are dead. And may the Almighty have mercy on your soul."

## REMOVAL.

THE

"NEW DOMINION"

Printing Office

IS REMOVED.

Paddington's Brick Building

CHARLOTTE STREET.

A few doors South of Country Market

OPPOSITE KING SQUARE

GEO. W. DAY.

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IS ISSUED MONTHLY FOR GRATUITOUS DISTRIBUTION, WITH A GUARANTEED CIRCULATION OF

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GORDON LIVINGSTON,

Editor and Proprietor.

Post Office Address—Box 227, St. John, N.B.

# THE CONFESION AND EXECUTION.

**TUESDAY MORNING, FEB. 14th.**

To-day a funeral pall hangs over our city; this is a morning of sorrow—deep ineffaceable sorrow. The crime of murder—murder the most cold blooded, brutal and abhorrent—has been expiated by the life of the perpetrator. The gullows has had a fresh victim to-day in the person of John A. Munroe; and, now that the last act in this terrible tragedy is over, and we read, fresh from his own lips, the dying culprit's confession, we drop a tear over the deep depravity of human nature, while we can scarce refrain from anathematizing the memory of a man, who has left such an indelible stain upon the page of our country's history. Oh! may Munroe's ignominious death, act as a warning to seekers of illicit pleasure, and other degrading vices, turning them back into paths of uprightness and honor, and we pray the God of the widow and the fatherless to take his weeping wife and sorrowing children, under His loving care.

The instrument of death was not the gallows generally used, but a beam poised at a height to allow of an elevation of about seven feet. To the outer end of this beam the culprit was fastened by the neck; at the other end, which hid itself in the back door of the Jail, was attached a weight of several hundred pounds, suspended by a rope, which passed down through the floor, and which at a given signal was severed, thus elevating the outer end with the culprit attached.

The prisoner was visited by his clergy-men at 9 o'clock last night. He was calm and resigned, joined in devotions, and accepted the Sacrament, revised his Confession, and when satisfied, signed it in pre-

sence of his pastors at 11 p. m. His clergy left at 12, and he retired to bed. At 4 a. m. he dressed himself, was quite calm, and prayed for strength to carry him through. At half-past 4 was visited by clergy and joined in devotions.

Quite a large number of persons were present, embracing Officers of the Law, Magistrates, Coroner's Jury, Reporters, &c.

At a quarter to eight the gong commenced tolling, and the black flag was raised.

A few minutes before eight o'clock, the prisoner was brought out by the Sheriff, accompanied by Rev. Messrs. Stewart and Lathern. The prisoner walked out to the platform with a firm step, and looked up at the fatal beam, apparently to see that all was in order. He looked pale and anxious. The Rev. Mr. Lathern offered a short prayer, and the Rev. Mr. Stewart addressed a few words to him and took leave of him, when the fatal cord was cut, and the miserable man was jerked from *terra firma* and suspended in the air about two feet from the platform. He struggled hard, and his sufferings appeared to be terrible.

The following is the confession left behind by Munroe, and with his consent published to the world:

## CONFESION OF JOHN A. MUNROE,

**To Sheriff Harding,**

In presence of Messrs. STEWART and LATHERN, 14th Feb. 1870.

The first time I went out with Miss Vail it was only for a ride; we had no quarrel, and our going out was at her wish. When we got out of the coach, at or near the

place described on the trial, she had a satchel, and we walked along the road, I cannot say how far. Sat down and had a little to eat. We both fired at a mark, she using a pistol I had given her, one of a pair—a breach-loader same as my own, the mate of it I gave to a friend. I had learned her to use it. There was no intention on my part to harm her at that time. We came back, and I left her at Lake's; she was to have gone to Boston on the Thursday after the first going out, but it was too stormy, and I went with my wife to Fredericton on that day, and came down again on Friday night. It was during that trip to Fredericton I first thought that the spot I had visited with Miss Vail on the Monday previous was a suitable spot to commit a bad act. I went out again with Miss Vail on the Saturday following; we went the same road as before, and to about the same place. The morning was frosty; the moss was crisp and hard; there was no wet on the barren; the road was a little muddy. We went off the road a little way together and sat down. I went into the bushes; the child cried; I came out again—was angry and strangled the child. I do

not know that it was actually dead. As she was rising up I shot her (Miss Vail) in the head—I do not think on the same side as shown in the engraving. I then threw over her face and some over her hands. I found the pistol in her pocket, or just fallen out of it, a common handkerchief, and a wallet with only a few dollars in it. I threw the wallet and handkerchief away and left at once, and have never been back since. I previously had some of her money; could not say how much—perhaps half or a little more. I cannot say that money was not one of the motives for the act committed. I do not say it was in self-defence. I killed Miss Vail. It was the money/my anger with her at the time, and my bad thoughts on and after the trip to Fredericton, working together, caused me to do the bad act. The letter written to Mrs. Coar was written by me and mailed in Boston by a friend of mine living in or near Boston. I never killed any other person or child.

Signed, JOHN A. MUNROE;  
CHARLES STEWART, Witnesses.  
JOHN LEATHERS, notary.

and to what I did and of which I was  
when the fact was out and the  
witnesses were taken from away from  
and suspended in the air in two  
from the platform. The strangled  
and his sentence appeared to be  
right.

The following is the confession  
made by Munroe, and with his  
signature to the same.

CONFESSION OF JOHN A. MUNROE.  
To the Court.  
In presence of Messrs. STEWART  
and LEATHERS, 14th Feb. 1870.

The first time I went out with Miss Vail  
it was only for a ride; we had no quarrel  
and our going out was for a ride. When  
we got out of the coach, it was near the

we had reached but did not know  
what to take the way with me and  
the children under the living cover.

This instrument of death was not the  
kullows formerly used, but a beam passed  
at a right angle to the end of the  
about seven feet. The other end of the  
beam the culprit was fastened by the  
neck; at the other end, which had been  
in the back door of the jail, was attached  
a weight of several hundred pounds, and  
passed by a rope, which passed  
through the floor, and which in a  
square was secured to the ceiling  
above and with the culprit attached.

The prisoner was fixed by his hands  
men at 6 o'clock last night. He was  
and resigned, looked in horror, and  
acted the part of a martyr. His  
sion, and when he was executed it was

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Miss Vail) in  
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Mrs. Gray  
in Boston  
n or near  
her person

UNROL:



